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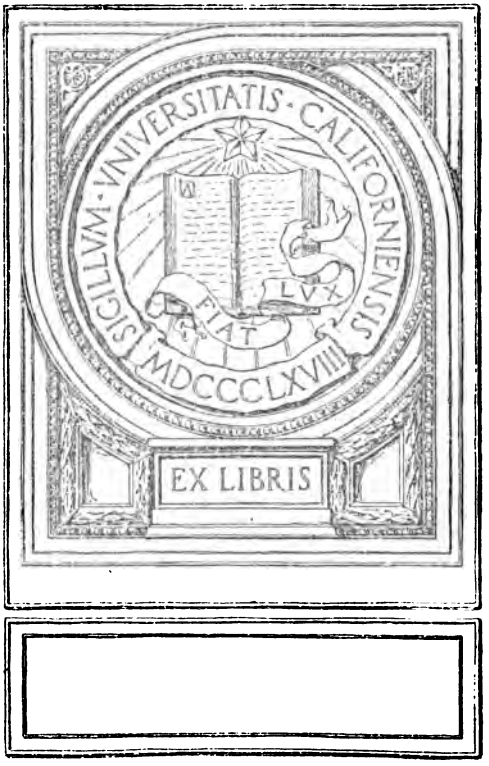
# AMERICAN COMMUNITY CIVICS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**UNITED STATES CAPITOL AS SEEN FROM AN AEROPLANE.**
*Frontispiece*

# AMERICAN COMMUNITY CIVICS

## *for* HIGH SCHOOLS *and* JUNIOR HIGH SCHOOLS

BY

A. G. FRADENBURGH, PH.D.

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# PREFACE

THE World War has effected great changes in governmental institutions and in international relations. New issues demand attention and some old ones have lost in relative importance. In offering "American Community Civics" for High Schools and Junior High Schools, it has been the aim of the author to preserve the main features of former editions of "American Civics," while including such new material as the times demand and making the entire work up-to-date.

Although a community civics, this volume deals primarily with civics and not chiefly with economics and sociology. There is sufficient attention given to community matters to fill all requirements and enough attention is paid to civics to meet the demands of state educational authorities. Each community has its own local political, economic, and sociological interests and a good teacher will not fail to give these proper attention.

A. G. FRADENBURGH.

BROOKLYN, N. Y., APRIL 15, 1919



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UNIV. OF CALIFORNIA

# AMERICAN COMMUNITY CIVICS

## CHAPTER I

### THE NATURE OF CIVIL GOVERNMENT AND COMMUNITY CIVICS.

**Necessity of Government.** — Man is one of the most social of beings; the greater part of the life of most men is spent in the company of other human beings. To such an extent has this been the case that in all ages persons who have chosen to live by themselves in places remote from other men have been regarded as at least peculiar.

Since men are not morally perfect, there must be in every association some rules to govern conduct and some power to enforce these rules. Any exercise of authority is **Government.** Such terms as family government, school government, and church government are familiar to everyone. Society, which means the people in a community, finds it necessary to regulate the conduct of its members. The individual must be protected in his person and property against the injuries of the strong and unprincipled. Disputes between persons are sure to arise and there must be some power above the individual to decide what is justice and to enforce its decision. Moreover, means of protection against possible foes is needed, and there are works of pub-

lic utility, such as parks, sewers, and lighthouses, which it would be unwise to entrust to private individuals, or which individuals would not find it to their advantage to construct.

**Civil Government and Civics.** — Civil Government is the authority which regulates the conduct of citizens among themselves and toward the government. The science which treats of civil government is usually known as *Civics*. Civics is chiefly concerned with: (1) the history of political development; (2) the organization of government; (3) the rights and duties of citizenship.

**Community Civics.** — Government is an important interest of every community, but it is not the only interest. The making of a living, the preservation of health, the education of young and old, the improvement of morals and making the physical environment attractive are among the community interests.

Community Civics treats of many lines of community activities, while Civics is primarily concerned with government. Community Civics also lays greater stress on local affairs than is customary in a book on Civics.[1]

**The State.** — A State is an independent body of politically organized persons occupying a definite territory. The State must be the supreme power within its land; the possession of such power is called *sovereignty*. If one person exercises supreme power the State is a monarchy; if

[1] "The Teaching of Community Civics," a circular of interest to teachers and pupils, published as bulletin No. 23 for 1915 by the United States Bureau of Education, may be secured by sending ten cents to the Superintendent of Documents, Washington, D. C.

sovereignty is possessed by the people the State is a democracy or a republic. The commonwealths, or "states," of our American Union are not real states. They do not possess complete sovereignty; there is only one sovereign State in America and that is the United States.

**Functions of Government.** — In showing the necessity of government, we have mentioned a few of the things which are done for the people by a government. The objects, or functions, of government may be divided into necessary and optional. This division cannot be very definite because among some nations certain functions are regarded as optional which, among other nations, are considered necessary, and what to-day is regarded as optional may in a few years become necessary.

The following classification by President Woodrow Wilson ("The State," 613–615), not represented as complete, gives a fair idea of what governments do for the people:

I. *The Necessary Functions:*

1. To keep order and provide for the protection of persons and property from violence and robbery.
2. To fix the legal relations between man and wife and between parents and children.
3. To regulate the holding, the interchange, and the transmission of property, and to arrange its liabilities for debt or for crime.
4. To arrange contract rights between individuals.
5. To define and punish crime.
6. To administer justice in civil cases.
7. To arrange the political duties, privileges, and relations of citizens.

8. To deal with foreign powers; to preserve the State from foreign danger; and to advance international interests.

These will all be seen to be duties which must be performed by some agency under every government.

II. *The Optional Functions.* It is hardly possible to give a complete list of these functions, so various are they under different systems of government, but President Wilson gives a partial list, which is sufficient for general purposes:

1. The regulation of trade and industry. Under this head are included the coinage of money and the establishment of standard weights and measures, the licensing of trades, etc., as well as great matters of tariffs, navigation laws, and the like.

2. The regulation of labor. This includes hours of labor, labor of children and women, etc.

3. The maintenance of roads and bridges—including State management of railways and that great group of undertakings which we embrace within the term "Internal Improvements," or "Development of the Country."

4. The maintenance of postal and telegraph systems, which is very similar to 3.

5. The manufacture and distribution of gas, the maintenance of water works, etc.

6. Sanitation, including the regulation of trades for sanitary purposes.

7. Education.

8. Care of the poor and incapable.

9. Care and cultivation of forests and like matters, such as the stocking of rivers with fish.

10. Laws intended to regulate wages, prices of goods, etc., and to forbid the use of certain articles.

The extent to which it is wise for a government to undertake these functions is one of the most debated questions of the day. Some governments engage in many more lines of activity than those mentioned above; the tendency is to extend the activity of governments along these lines.

A policy opposed to governmental activity in industry and interference with the liberty of the individual in his industrial activity is called a *laissez-faire* (let-alone) policy.

## Kinds of Government

**Monarchy.** — A monarchy is a form of government which has as its head a personal ruler. Monarchies are of two kinds, absolute and limited.

1. The ruler of an *absolute monarchy* is not subject to any definite control; the people are compelled to obey his commands. Even absolute monarchs, if they are wise, are certain to defer more or less to the wishes of their subjects, either through a sense of duty or through fear of causing rebellion. The absolute form of monarchy exists among no civilized nations to-day.

2. A *limited monarchy* is one in which the power of the ruler is limited either by a written document, which defines the powers of the sovereign, or by laws and customs. Limited monarchies are often called constitutional monarchies. A monarchy may be limited to such an extent as to make it practically a republic. England is an example of such a monarchy. As Bagehot [1] has said, the king of England would be obliged to sign his own death warrant, if Parliament so decreed. The elective House of Commons

[1] The "English Constitution," p. 125.

governs England, and England is, therefore, a republic, although it appears to be a monarchy.

**Democracy.** — Democracy is government by the people. Democracies are of two kinds, pure democracies and republics.

1. In a *pure democracy* the people express their will by means of a popular assembly, which is a meeting of all the citizens who have qualified to vote. Many of the ancient Greek city-states so ruled themselves. The New England town meeting is an example of a pure democracy, in this case dealing only with local affairs. A pure democracy is, by its nature, possible only in small communities.

2. The people of a *republic* govern themselves through representatives of their own selection. In a republic, just as in a pure democracy, the people are the source of all power.

**Other Forms of Government.** — *Aristocracy* is a government by a class of nobles, or by persons distinguished because of wealth or culture. In most governments of Europe there is one house of parliament that is made up of nobles, thus giving an element of aristocracy to the government.

A *tyranny* is a government in which supreme power is exercised unjustly, or without any restraint. Originally, as used by the Greeks, the term tyrant was applied to any ruler who had obtained his position illegally, and it is now sometimes so used. Sometimes a tyranny is called a despotism. A monarchy may be a tyranny, even though in theory it is a limited monarchy. A rather frequent form of despotism has been one created by some successful

soldier, such as Napoleon. Many of the so-called republics of South America are, or have been, military despotisms.

**Constitutions.** — The fundamental law of a state which determines its form of government and the rights and duties of citizens is called a constitution. In case the nature of the government is expressed in some written document, the state is said to have a written constitution. The United States and each state in the Union have written constitutions. Instead of a written constitution, the fundamental law of a state may be based upon a long line of customs and of rights gained from kings. In this case the state is said to have an unwritten constitution. It should not be thought that all of the constitution is written in the one case, or unwritten in the other.

The Constitution of the United States has undergone many changes, necessary on account of new developments, and these changes have generally taken place without formal amendments to the Constitution. Customs and decisions of courts have had no less effect upon the Constitution of the United States than amendments. England has a constitution which we call unwritten, but Magna Charta and the Bill of Rights have often been termed the bulwarks of the British Constitution.

**Departments of Governments.** — Every government must have three departments: (1) a legislature to make the laws, (2) a judiciary to interpret and apply them, (3) an executive to enforce the laws. These powers are all exercised by the same person if the State is an absolute monarchy. In all other forms of government the powers are kept more or less distinct.

In the United States they are carefully separated, yet the President of the United States, primarily an executive officer, has the legislative power of veto and the judicial power of pardon, while the Senate acts as a court in certain cases of impeachment and has executive power in confirming certain appointments.

**Financial Needs of Governments.** — Though every government charges for some of the services which it renders, no government in the world could pay more than a very small fraction of its expenses from this kind of revenue. It is, therefore, necessary that governments should resort to taxation. Taxes may be placed upon any kind of property or even upon persons. While it is not unusual to hear people grumble, and sometimes justly, about the amount of their taxes, yet it can be truly said that no money brings so large returns as that paid in taxes. Moreover, the government is just as much interested in the welfare of those who pay no taxes directly as in the most wealthy taxpayer.

**What Constitutes a Community.** — Our word "community" comes from the Latin word "communitas," which is a collective noun meaning "all of us." We are accustomed to regard the people who live in one locality and have many interests in common as constituting a community, thus we speak of a village community, a town community, a city community, or a county community.

Not all communities are local in their nature; the state exists for the benefit of all of us. Many of our states officially call themselves Commonwealths, thus indicating that they belong to all the people. Equally evident is the

interest and love of all Americans for our greater community " The United States of America."

**Economic Life of Communities.** — The natural resources of the land upon which the people of a community dwell determine to a large extent what the people will do to make a living. If the land is heavily wooded, lumbering will tend to be the chief industry, for a time at least, and in such a community the price of lumber, conditions of transportation, cost of labor and like matters are subjects of common interest and constant discussion. Even in communities whose only great industry is lumbering there must be school teachers, ministers, priests, doctors, and many others, but their prosperity depends upon the success of the lumber industry.

Other land tends to encourage stock raising, farming, mining, or some other industry, either alone or side by side with other industries, and in all cases local interest is much concerned with the economic products of the community.

An unusually good harbor or some other advantage in reference to shipping goods will tend to cause a commercial city to arise, and manufacturing will tend to come where commerce is established. Good water power, cheap fuel and raw materials also tend to attract manufacturing.

**Rural and City Communities.** — People living in dwellings scattered over a wide extent of territory are said to belong to *rural communities*. Farmers in the United States generally dwell in rural communities, each farm house being located on a separate farm and thus there are few close neighbors, yet there is a community of interest. Among the things in which all are concerned are roads, schools,

protection of crops from stray animals, protection of human beings, animals, and crops from disease, safety from fire and thieves. Often a part of a rural community grows into a *village*, as around the store and blacksmith shop a few houses are built, and soon a church rises.[1] The little village becomes a sort of social center for the rural community, and attracts more inhabitants as trade increases. The need for sidewalks, street lighting, better sanitation, and

A VILLAGE COMMUNITY, DANSVILLE, NEW YORK.

better fire protection cause the inhabitants of the village to seek to become an incorporated village.[2]

Many villages grow into cities, but at just what stage in its growth a village becomes a *city community* is uncertain. The time, however, comes when a growing urban community has need of the extensive powers which are conferred by the state in a city charter. The United States

[1] See Appendix for how a community grows.

[2] Just how this is done is explained in a later chapter.

Census Bureau classes an urban community having a population of 2500 or more as a city. The states vary in the size which a community must have reached in order to be entitled to be classified as a city.

**Local Communities Should be Studied First.** — In the United States local communities are older than State or National Governments. The idea of Union was slow in developing and proceeded from the local to the general. Also it is well to begin with the institutions which are nearest at hand and concerning which we naturally are most familiar.

## QUESTIONS ON THE TEXT

1. Anarchists say that government is an evil and should be abolished. What would life be worth if there were no policemen to protect property and life, no courts of justice, no public schools, no public roads, no public libraries and recreation centers?

2. States are sometimes called Commonwealths. Show that this is an appropriate name.

3. Show the difference between the necessary and optional functions of government. Do you consider the latter functions as really optional?

4. Give an example of an absolute monarchy, a pure democracy, a military despotism.

## QUESTIONS SUGGESTED BY THE TEXT

1. Is it true that if all people were good, government would be unnecessary?

2. Consult a good dictionary in regard to the meaning of the words " nation " and " state." Name a nation which is composed of " states " which are really not states.

3. Show that democracy is the best form of government for an enlightened people.

4. Name some optional functions of government not specifically mentioned in the text.

5. What have been the reasons for the recent increase in the optional functions of government?

6. What monarchies of Europe ceased to exist as a result of the Great War? Will republics become in time the rule throughout the world?

7. Did you ever know a man who was not a "social being"? Have you read of such a man? Contrast the daily life of Robinson Crusoe with that of the average man in your community. How would you like to be a Robinson Crusoe for a day? For a week? For ten years?

8. In what respects is the family community a most important one?

9. Compare the advantages of life in a rural community with the advantages of life in New York City.

10. What is the leading economic activity of your community?

11. Has its economic activity changed any during the past few years? If so, has it changed for the better?

12. Do you know of any city that has recently declined in population? If so, Why?

13. What might cause cities to decline in population?

## CHAPTER II

### RURAL LOCAL GOVERNMENT

*Origins of Town and County Governments*

**Importance of Local Government.** — Americans live under three distinct governmental institutions. For local affairs we have the town (or township), county, village, and city. Matters of wider interest are in the hands of the state, while the Federal Government attends to those things which affect the entire nation. Local government is concerned with such important affairs as schools, roads and bridges, police, minor courts of justice, and the care of the poor. Such matters as these have a daily influence upon the citizen. It is in local self-government that citizens gain the most important political lessons, those of experience. Every voter can to some extent make his influence felt in local affairs.

Local governmental institutions differ in one important particular from the national and state governments. Written constitutions define the powers of our national and state governments, and within their fields the nation and state exercise unlimited authority. Local governments have no such power. All local governments are subject to the state, which may change or regulate them at its pleasure. Though local governments are subject to the states, they are older than either state or national government.

**Origin of American Local Government.** — Were a company of Americans to settle in some place where no government had existed, they would have no hesitation in deciding what kind of government to establish. There would be one form of government which to them would be clearly better than any other form, and that would be the one to which they had been accustomed. It is an accepted fact to students of history and government that institutions do not suddenly spring into existence, but are the result of long experience. The English colonists in America brought with them institutions with which they were familiar just as their ancestors long before had brought the origins of these institutions from the Continent of Europe into England. In order to understand the local government introduced by the colonists, it is necessary to know something about the institutions with which they were familiar before coming to America.

**Origin of the Town.** — Long before our Germanic ancestors came to England, they had given up their wandering habits and had settled in groups of families in such places as attracted them on account of water, wood, and fertility of the soil. For purpose of defense the land occupied was surrounded by a strip of waste land called a *mark* (originally meaning boundary); a little later a hedge called a *tun* (pronounced toon) marked the boundary of the community's land. The entire space enclosed became known as the mark or tun; in England the word "tun" or town became the common name.

Little is known of the nature of government in the Germanic mark, but we do know that there was a popular

assembly and that the government was to a great extent, at least, democratic.

At about the middle of the fifth century of the Christian era, bands of Germanic wanderers commenced to cross over to England. They went at first for plunder, but a little later they began to enter England by families and tribes for the purpose of finding homes. They brought with them their governmental institutions, and we find in England the freemen of each town holding a *tungemot*, or town meeting, in which important business was carried on and by-laws (town laws) made for the government of the town. Every freeman had a right to attend this town meeting; it was therefore a *primary assembly*. In town meeting the principal officers of the town were elected by the people, though when the power of the great lords grew, the officers of the lord took the place of the older elective officers. The principal officers were the reeve, or headman, the tithingman, or constable, and the beadle, or messenger.

**The Manor.** — As early as the beginning of the tenth century, most of the towns had fallen under the control of the great lords, and the lord's steward and bailiff had supplanted the old elective reeve and beadle. The Norman Conquest, in 1066, completed the work of destroying the old free towns. Feudalism was then fully established, and feudalism had no place for such an institution as the old English town. Generally what had been the town was now thought of as a lord's possession and became known as a manor, a French term meaning dwelling-place. Most of the officers of the manor were representatives of the lord, but not every sign of self-government was lost. The idea of town meeting was still kept alive by the *court-*

*leet* and *court-baron;* these two assemblies, however, had little real influence.

**The English Parish.** — The parish is a much older institution than the manor. After the Anglo-Saxons had been converted to Christianity, the need of some unit for church administration arose. This unit was naturally the same in area as the old township, though at times two or more townships were included in a parish.

Church business was carried on in an assembly known as a *vestry meeting*, so called since it was held in the room where vestments were kept. The vestry meeting gained the power of voting the taxes for the support of the church, and became concerned with certain civil affairs. All taxpayers might speak and vote in vestry meeting. In the parish, local self-government was kept alive after it had to a great extent disappeared in the manor.

**The Shire and the County in England.** — Our forefathers settled in England not merely as groups of families, or clans, but also as groups of clans or tribes. Just as the clans became the makers of townships, so the tribes formed governmental bodies called *shires*.

The name "shire" was first applied to the people of a tribe as is indicated in such shire names as Essex (East Saxons), Sussex, etc. Each shire had a representative assembly known as the *shire-mote*. To this shire-mote came the lords, the "reeve and four best men" from each township, and when boroughs and cities grew they also sent representatives. The shire-mote was chiefly a judicial body though it possessed some legislative power. The leading man of each shire was known as an "ealdorman." The shires in time grew into kingdoms, several shires uniting

made larger kingdoms, and at last the king of the West Saxons became king of all England. The shire continued to have local government after England became a kingdom. There were now two ealdormen appointed by the king in each shire, and a shire reefe (sheriff) elected by the people.

The Norman Conquest deeply affected the shire, as it did all other old English institutions; its name was changed to *county*, because it was similar to a local division in France over which a count presided. The shire-mote became a county court in which the king's justice tried cases. There were no longer any ealdormen, and the sheriff was appointed by the king and was responsible to him. The sheriff was the king's chief officer in the county; to him was given the duty of seeing that taxes were collected, and of summoning jurors and seeing that the judgments of the court were enforced. Another important officer was the coroner (crowner), originally appointed by the king, but since the time of Edward I elected. His duties were to hold a court of inquiry over any sudden calamity such as unexpected death, loss of property by fire, etc. In time, the coroner's duty was limited to holding courts of inquiry over sudden deaths. Edward III commenced the practice of appointing justices of the peace. Originally there were six of these officers in each county. They were appointed at first to check highway robbery, but their power gradually increased until their courts took the place of the old county court. Sessions of the court were held four times a year, hence called *Courts of Quarterly Sessions*.

Note.— English local institutions have been greatly changed since the seventeenth century. Some of these changes were taking place at the time of English colonization of America; especially is this true of the vestry meeting, which was losing its democratic character.

## QUESTIONS ON THE TEXT

1. Why should Americans be interested in the study of English governmental institutions?
2. Describe the origin of the English town and shire.
3. Show what changes took place in the town and shire, as a result of the Norman Conquest?

## QUESTIONS SUGGESTED BY THE TEXT

1. If local government is of so much importance, why is it so often neglected by the people?
2. In what sense is the word "parish" now used in the United States?
3. Can we expect that the Republic of Cuba will be governed as well as though its inhabitants were of Anglo-Saxon origin?
4. China has recently been declared a republic. What difficulties stand in the way of its success?
5. Has Russia or Germany the better chance to succeed as a republic? Why?

# CHAPTER III

## RURAL LOCAL GOVERNMENT

### *Town and County Government in America*

**Beginnings of the New England Town.**— The earliest colonists came to New England, not as individuals, but as members of churches, often led by their pastors. Usually one of their first acts was to erect a church building at some convenient point. They were generally Congregationalists, who believed that each church should be independent and self-governing. Near the church was, as a rule, a strip of land owned by the whole community, the beginning of the New England common.[1] These little communities were bound together not only by the ties of the church, but also by the necessity of defence against hostile Indians and the not far distant French. On some hill they erected a blockhouse, or fort, to which they might retreat in time of danger. The character of the soil was a further bond of union. New England does not tempt persons to have large farms; much labor on a small area of land is necessary in order to make a living from the soil. Among the colonists there were social distinctions, but no sharp divisions into social classes.

The settlers being at first left pretty much alone by the English government, managed civil and religious affairs to

1. Outside of New England such lands would now be called parks, but the name "common" still persists in New England.

suit themselves. Even before landing, the Pilgrims, while the *Mayflower* was lying off Cape Cod, drew up an agreement in regard to government. The famous document signed by the forty-one men of the company on November 11, 1620, reads as follows:

"We whose names are under-written, the loyall subjects of our dread soveraigne Lord, King James, by ye grace of God of Great Britaine, Franc, & Ireland king, defender of ye faith, &c., haveing undertaked, for ye glorie of God and advancements of ye Christian faith, and honour of our King and Countrie, a voyage to plant ye first Colonie in ye Northerne parts of Virginia, doe by these presents and solemnly and mutually in ye presence of God, and one of another, Covenant and combine ourselves togeather into a civill body politick, for our better ordering and preservation and furtherance of ye ends aforesaid; and *by vertue hearof* to enacte, constitute, and frame such just and equall lawes, ordinances, acts, constitutions, and offices, from time to time, as shall be thought most meete and convenient for ye generall good of ye Colonie, unto which we promise all due submission and obedience."

The government which the colonists established was modeled upon the English parish, which still had a general meeting of the tax-payers and possessed both civil and church functions. Church and State were closely related at first, and in some colonies only church members could vote. Taxes were levied for church purposes.

In coming to America new life was given to what remained of English democratic institutions, so that, as has often been stated, the Germanic mark was unconsciously revived in New England.

**The New England Town.** — In local affairs the people of a New England town[1] govern themselves directly by means of a popular assembly made up of all the voters. New England town government is therefore pure democracy. There is a yearly town meeting, usually in March, which holds sessions in the town hall. Special meetings may be held whenever necessity arises. At the town meeting any voter has the right to make motions and support them by his vote. A moderator, chosen at the meeting, presides over it. All important town officials are chosen at the town meeting. The most important of these are the selectmen, of whom there are from three to nine. The selectmen act as executive officers for the town in all cases, unless other provision is made by the town meeting, and have general charge of town interests. In legal matters they represent the town. Other town officials are the town clerk, treasurer, school committee, constables, tax collectors, and assessors of taxes. Among the usual less important officials are field drivers, who take stray animals to the pound, and fence viewers, to whom disputes over boundary fences may be referred and who may order fences and walls built or repaired. To the town meeting belong all the essentials of local government. It passes local regulations and makes provision for such important matters as schools, roads, poor relief, and assessment and collection of taxes. New England towns are seldom more than five square miles in area and the population is not large.[2]

[1] In most parts of the country the term "township" is used instead of "town." Town in this sense has, of course, no relation to village.

[2] Generally between 1,200 and 2,500. "In population they vary

The town meeting is not suited to the government of a large population, and when population reaches such a figure as to make it desirable, a city charter is generally sought. In some parts of New England town government has been disadvantageously affected by the foreign population who come from parts of Europe and Asia in which there are no similar institutions. They cannot therefore be expected at once to take part intelligently in town meetings. However, the town meeting remains "the most characteristic and vital element of local government in New England."

**Origin of County Government in New England.** — The county as established in America was modeled upon the English county or shire. Counties first appear in Massachusetts because of a demand for judicial districts between the town and the province. In 1636, the General Court appointed Boston, Cambridge, Salem, and Ipswich as places for the holding of quarterly courts.[1]

Massachusetts was divided into four "sheires" or counties in 1643, the jurisdiction being about the same as provided in the act of 1636. Connecticut was divided into counties in 1665, Plymouth in 1685, and Rhode Island in

from Cambridge, New Hampshire, with seventeen people, to Warwick, Rhode Island, with 21,000 people." Hart, "Actual Government," p. 170.

[1] The records of many of these courts are still preserved. Such entries as the following are quite common:

"Geo. Dill fined 40s. for drunkeness, to Stand at the meeting house doar next Lecture Day, Wth a Clefte stick vpon his Tong, & a pap(er) vpon his hatt subscribed for gross premeditated Lying." —"Hist. Coll., Essex Inst.," Vol. VII., p. 239. See Howard, "Local Const. Hist.,"pp. 326-327.

1703. Counties were little more than divisions for judicial purposes, though in Connecticut the train bands of the town united to form a county regiment, and in Massachusetts the county, in addition to being a judicial district, was a higher military district, an area for assessing taxes and equalization, and a factor in certain official nominations.[1]

**The Present New England County.**— Throughout New England the county remains chiefly a judical district; in Rhode Island it is nothing more. Each county has the usual courts. In some cases the care of the poor is a county function, though it usually falls to the town.

In Massachusetts the county is more highly developed than in any other New England state; a brief account of county government in that state is therefore given. In each county of Massachusetts, the Superior Court of the state tries cases and must hold at least two sessions a year. A probate court has charge of matters relating to wills, estates, and guardianships. The chief executive officer of the courts is the sheriff, who is elected by the people for a term of three years. It is his duty, in addition to seeing that the decisions of the court are carried out, to keep order within the county. In case disorder arises which he is unable to suppress, he may summon a body of citizens to his aid. Should disorder still continue, he may call upon the governor of the state for troops. An appeal, through the state legislature, or the governor if the legislature be not in session, may be made to the President of the United States for Federal aid.

The governor appoints justices of the peace within each county for a term of seven years. They have authority to

[1] Howard, "Local Const." Hist., Vol. I, pp. 327-357.

administer oaths, unite persons in marriage, issue certain warrants, and preside over trials in certain petty cases. Three county commissioners have general charge of the county property. They serve for a term of three years, one retiring each year. The commissioners represent the county in all suits at law to which it may be a party, apportion county taxes among the towns, and have charge of county highways.

A county treasurer receives and gives out the county funds.

**Conditions in the South; the People.** — Conditions in the South were quite different from those in New England. Here the soil was as a rule rich and invited settlers to large estates. Convenient rivers offered means of transportation, often to the very storehouses of the planters. The settlers as a rule did not come from religious motives, and hence the church did not serve as a common bond. There was no such need of common defence against the Indians as in New England. Villages were few. The planter generally sent his goods to the markets of England, the West Indies, or the northern colonies, and imported what goods he could not raise on his own estates.

Unlike New England, there were sharp social divisions among the population. At the top of the social scale were the planters, who had all the political power; at its foot were the poor whites, descendants of indentured white servants,[1]

[1] Indentured white servants came from three classes: (1) free persons who could not pay their passage, and hence agreed to sell their labor for a term of years to some one who would advance the money to pay the expense of the journey; (2) English political or criminal offenders sold as slaves for a term of years; (3) a small class of colonists sold as slaves for a term of years on account of criminal offences or for non-payment of debts.

and negro slaves. Between them there was no adequate middle class. For such a population the democratic New England form of government was unsuited. Local government in the South was of many varieties, but that of Virginia serves as a fair example.

**The Virginia Parish.** — The English parish was introduced into Virginia, but it never became a democratic institution. For church purposes there was a select vestry of twelve men, at first elected by the people, but they obtained the power of filling vacancies in their own body, and thus became a "close corporation.[1]" In addition to their church duties they usually acted as overseers of the poor.

**The Beginning of the Virginia County.** — In 1634 the legislature of Virginia divided the colony into shires, and these speedily became the units of local government. The governor appointed justices of the peace, in each shire or county, usually eight in number, who made up the county court. This court in each county began in time to nominate candidates to fill vacancies in its own body, and the governor generally appointed the nominees without question. The county courts were now like the parish vestry, close corporations. In addition to their duties as judicial bodies the county courts appointed highway surveyors and constables, assessed county taxes, and had care of county property. The county sheriff, appointed by the governor, was, in addition to his duties as executive officer of the court, a collector of taxes and county treasurer. In Virginia and the South generally, the great mass of the people

[1] The name indicates that "a close corporation" is an association of men which cannot be entered by outsiders except with its consent.

had little to do with local government, and therefore failed to receive the political education which the town meeting so abundantly gave New England. The county system did, however, and notably in Virginia, develop able political leaders among the aristocracy of the planters.

**The Present Southern County.** — Throughout the South the county remains the unit of local government, in spite of efforts to introduce the town system. In most of the southern states from three to five commissioners are elected in each county, whose duties are similar to those of the Massachusetts county commissioners.

Practically all local government belongs to the county, though in every state there are subdivisions of the county which are school districts. In Louisiana the district corresponding to the county of other states is called the parish and in Delaware the old "hundred" survives in name and is the unit for representation in the state legislature.

**Town and County Government in the Middle Atlantic States.**—The middle states in regard to population as well as in the character of the country are midway between New England and the South. Their system of local government, as might be expected, is halfway between the extremes of town and county types. In the middle states Pennsylvania tends most to the county type, while New York has a system of local government in which the town is still an important factor.

In Pennsylvania, county and township date from early colonial times. William Penn changed the local government in the colony so that most of the important functions were given to the county, and there they have re-

mained to the present time. Most of the county officers are elected by the people. Each county has a board of three county commissioners, one of whom must belong to the minority political party, elected for a term of three years. The county commissioners have charge of the county property, represent the county in court, and fix the county tax rate, though the taxes are collected by township collectors. Each county has such officials as sheriff, treasurer, clerk of courts, register and recorder, chief clerk, coroner, and auditor. A district attorney, elected by the people, is prosecuting attorney in criminal cases. A county judge, elected for a term of ten years, presides over the county courts. The Pennsylvania township is of minor importance. There are no town meetings. In each township are road supervisors, tax assessors and collectors, six school directors, two justices of peace, and a constable. The care of the poor is a township function, except in counties possessing poorhouses.

**The New York Town.** — All the land comprised in the State of New York, except where there are cities, is divided into towns. These towns are of many shapes and sizes, not at all regular as are the towns in most Western States, where they are laid out in blocks six miles long and six miles wide. Most of the towns are small enough so the voters can conveniently come to the town meeting, though a few are too large.

**The New York Town Meeting.** —Just as in New England, so in New York the qualified voters assemble in town meeting and directly attend to the community needs of the town. Town meetings are held once in two years, though

special town meetings may be held at other times on petition of the taxpayers. The regular town meeting is held generally on the second Tuesday in February, though it may be held any Tuesday before May. A town may by vote change its town meeting to the first Tuesday after the first Monday in November (Election Day), but when the town meeting is held on Election Day it becomes merely a town election and loses the chief characteristics of a town meeting.

At a New York town meeting town officers are first elected by ballot and then the meeting is open to general discussion. Now any legally qualified voter may bring up any matter that is within the power of the town to act upon and may present such arguments as occur to him in support of his proposition. Let us imagine that he wishes the Superintendent of Highways to be instructed to repair the road in front of his farm and to spend a sum not to exceed $500 for that purpose. The road he alleges is in a disgraceful condition, quite the worst in the town; its being put in a proper condition will be of general benefit and for every dollar the town votes to spend upon it, the State will in this case spend another dollar. His speech is well delivered, and numerous farmers nod approval, but up jumps another farmer from a distant part of the town, who says his part of the town has always been neglected and a road near his farm is in still worse condition and that he and his neighbors object to any expense for other localities until their own road is put in passable condition. After further discussion, the need of repair to both roads becomes evident and on motion of a disinterested voter, the sum of $700 is placed at the disposal of the Superintendent of Highways for the purpose of repairing both

roads. And so the work of the town meeting proceeds until all important business has received attention. The voting of funds for any purpose is sure to be carefully scrutinized, as the taxes depend upon the money that is to be spent. The making of the budget, or the estimate of probable revenues and expenditures for the coming year, is one of the most important duties of the town meeting.

**Town Officers and Their Duties.** — The supervisor is the chief executive officer of the town. He attends to the carrying out of most of the orders of the town meeting. The supervisor of each town is a member of the county board of supervisors and thus is a county official as well as a town official.

The Superintendent of Highways has the very important duty of building and keeping in good condition the town roads. He should see that the roads are built to last, as real economy consists in building roads that will withstand traffic and weather for a long time. The state and county both assist the towns in meeting the expense of the town roads. The State of New York contributes toward town roads from fifty cents to one dollar for every dollar raised by the town for this purpose, the exact amount depending upon the amount of taxable property per mile of roads.

Another important official is the Justice of the Peace. He is a judicial officer and before him are tried civil cases in which the sum involved does not exceed $200. Persons accused of minor crimes are also tried in his court. He may also examine persons accused of serious offenses and hold them for trial before a higher court. Each town has four Justices of the Peace, elected for a term of four years.

# ROAD IMPROVEMENT

ROAD BEFORE IMPROVEMENT

FIRST COURSE — LIMESTONE MACADAM CONSTRUCTION

ROAD AFTER IMPROVEMENT

The office is one of dignity and its holder is commonly called "judge."

The town constables (the number to be determined by vote of the town but not to exceed five) are the town police. They arrest persons accused of crime and maintain order in the town.

The Overseers of the Poor care for those who cannot support themselves and who have no relatives to support them. Some of the poor are sent to the County Poor House and some are cared for in other ways. There is usually one overseer of the poor in each town.

A board of three tax assessors determines the value of property for taxation purposes and a tax collector attends to collecting the taxes.

The town clerk keeps the minutes of the town meeting and has charge of the town records.

The Town Board consists of the supervisor, town clerk and the justices of the peace. Claims against the town are brought before the town board. An appeal may be taken from the town board to the county board of supervisors.

**County Government in New York.** — Despite the importance of town government, the county is also a most vital factor in local government inNew York. State, county and local taxes are collected at the same time and on the same tax bill. At the county court most of the more important cases at law are decided. County officers attend to registration of deeds and mortgages; wills are administered by county authority; highways and bridges, outside of the cities, are under county control in the main, though the towns co-operate, and the State has jurisdiction

over State roads; the preservation of order in the county is largely a county function.

There are now sixty-two counties in New York, each with its own county seat where the court house, jail and other county buildings are located.

Some cities cover all the territory of a county and the great city of New York covers five counties; in these cases city and county government in part coincide, though the county still has its own courts and sheriff. The State constitution provides that in cities whose boundaries are the same as a county, the common council or board of aldermen, shall have the duties and powers of a county board of supervisors.

**County Officials in New York.**—Each county, except as noted in the previous paragraph, has a County Board of Supervisors. The membership is composed of one supervisor from each town and city ward in the county, chosen as we have seen for two years. This board arranges the county budget; has charge of the levying and collecting of taxes including those due the State; may borrow money; purchase land and build county buildings; build bridges and construct roads; make local laws concerning destruction of harmful wild animals and the destruction of noxious weeds. It also may fix the salaries of the county treasurer, the district attorney and the county superintendent of the poor; establish fire districts outside of cities and incorporated villages. With all these powers and others similar to them, it will be seen that the Board of Supervisors is a most important organ of local government and possesses both legislative and administrative powers.

The Sheriff is an executive officer of much importance.

He must see that the laws are enforced and that peace is preserved. In case of a serious disturbance the Sheriff may call to his assistance as many able bodied members of the community as are needed to restore order. This levy is called a *posse comitatus*. The Sheriff arrests offenders against the laws and has the custody of persons awaiting trial as well as those convicted of breaking the laws. Witnesses and jurors are summoned by the sheriff to attend court and he must see that the sentences and orders of the county court are executed. Sheriffs are elected in each county once in three years, except in New York, Kings, and Bronx counties, and in counties whose boundaries are the same as a city, in which cases they may be elected for a two or four year term as the state legislature may determine. Sheriffs may not be re-elected for the next succeeding term and may be removed by the Governor of the State for cause as may also the District Attorneys, the County Clerks, and Registers.

The District Attorney is the legal advisor of the county executive officers and prosecutes persons accused of having committed crime.

The County Treasurer has charge of the keeping of county funds. Money is paid to him when collected by the town collectors and he sends that part paid for State taxes to the State Comptroller. To him comes the money which the State appropriates for educational purposes in his county and he turns it over to the supervisors of the towns.

There is in each county except New York a county court, presided over by a judge elected by the voters for a term of six years. Kings County has four county judges. These courts have original jurisdiction in civi' uits where the

amount involved does not exceed $2,000 and in most criminal cases. Full description of court procedure is given in a later chapter.

In counties having a population of over 40,000 there is a surrogate's court. The surrogate is elected for a term of six years, and his court has charge of the settlement of estates, the guardianship of orphans, and matters relating to wills. Where there is no surrogate, the county judge acts as surrogate. Other county officials are four coroners, county clerk, county treasurer, superintendent of poor, and a school commissioner.

**Local Government in the West.** — Local government throughout the West is like the system of New York or Pennsylvania, and is, therefore, halfway between the town and county system. In some states the town is the more important; in others, the county. The men who established state and local governments in the West were chiefly emigrants from the eastern states, and as a rule they followed parallels of latitude in their western journey. The tendency everywhere was to establish a form of local government similar to that to which the settlers had been accustomed in the East. In settling the public land, at least one section (640 acres) in every township was reserved for school purposes. This plan not only served the cause of public education, but had its effect on local government, as it made necessary that the township should have some connection with the schools.

**Rural Education.** — No more important duty exists than the education of the children of a community. To fulfill their duties as citizens, the children must be educated,

for as Jefferson said " whoever expects a people to be free and ignorant expects what never was and never will be." In all American states the district school is an important institution. Each town or other local unit has one or more school districts, the size of the district being determined both by population and geographical considerations. As a rule the district school is under the immediate charge of local trustees, who are elected by the voters at a district school meeting. Sometimes there are three trustees elected and sometimes only one, but the duties are always to have control of all school property, secure buildings and grounds, hire teachers, call special meetings of the school district voters, and in other ways attend to the needs of the district school. The district school is often too small to be properly graded and one teacher frequently has to teach a dozen pupils divided into seven or eight grades. In some states, especially in the west, several districts combine to make a good-sized school and the children are conveyed to the school at public expense in case they live at a distance too great to permit their walking. In New York two or more common school districts may combine into a union free school district, but this cannot be done without the consent of the town board. In each union free school district there is a board of education, of not less than three nor more than nine members, elected at a union free district meeting, or, in the larger union free districts, on the day following the annual meeting of the district.

The board of education has powers more extensive than those exercised by the trustees of a school district. The board of education prescribes courses of study, makes rules for school discipline, may provide free text-books

if the district meeting will vote the money, may establish high school departments, and may appoint a superintendent of schools in case the population of the district is 5,000 or more. Such questions as the buying of school sites, erecting of buildings and the raising of money, must be passed upon by the union free district meeting.

The tendency is toward larger school units for rural schools throughout the county, as this makes possible not only better graded common schools, but also high schools.

**Rural Life Becoming Less Isolated.** — Not so very long ago the life of members of a rural community was one of comparative isolation. Few rural communities had any railroads, and wagon roads were generally so poor that the cost of sending a load of produce to the market in wet weather seriously interfered with making a good living on the farm. Fortunately, both for the producer of farm products and the city consumer, good roads are gradually taking the place of poor ones throughout the country. The automobile has also brought rural communities near to the city and each member of the community nearer to his neighbor.

Rural free delivery gives the member of a rural community a chance to know what is going on in the great world by getting a daily paper delivered to his door and the telephone gives him easy communication with his neighbors.

The village store, the county church, the school, the grange, the annual fair, and the community picnic all are forces which tend to bring the members of a rural community closer together.

**Rural Credits.** — In order to improve his land, buy live stock, or machinery, the farmer often finds it necessary to

borrow money, and he is justified in this, if his increased earnings will pay the interest, provide means of paying the principal when due and leave a surplus for himself. As security for a loan, the farmer gives a mortgage on his property, which in former days commanded a higher rate of interest than that charged for city property. It is clearly to the interest of all the people that the farmers should be able to so improve their farms as to enable them to raise the best crops, and with that end in view the Federal Reserve Farm Loan system was established in 1916 by Act of Congress. This act provides for a Federal Land Bank in each of the twelve districts into which the country is divided by the Federal Reserve Banking System. Ten or more farmers in any community may form a farm loan association and may then apply to the Federal Land Bank in their district for loans. The rate of interest is lower than regular banks usually charge and the principal may be returned in installments. Though the farm loan banks are of recent creation and their advantages are not yet fully appreciated they promise to be of great assistance to rural communities. For the fiscal year ending April 30, 1918, the amount of farm loans outstanding amounted to over $91,000,000.

**The Country Village.** — Throughout the farming sections of the country are located small villages, sometimes having a special village government, often not. The interests of these village communities are identical with those of the farmers, as the farmers sell many of their products in the village and buy many of their necessities there. Every village wants to grow and the best way to grow is to become attractive.

Every village should have a village improvement association some of whose duties should be to encourage the planting of trees along the streets, to clean up vacant lots, and in general to make the village attractive to the eye. If there is a dilapidated railroad station, it is good policy to try to get the railroad to put up a new station, even to the extent of sharing the cost of the improvement.

High-class amusements and good lecture courses help to make the village attractive, as do also good schools.

**A commercial club**, formed of the business men, may help to bring trade to the village. Such a club can well afford to establish a reading room, where the local and city papers, as well as agricultural and literary journals, are kept. The farmers and their families may make such a place, their headquarters when in the village.[1]

## QUESTIONS ON THE TEXT

1. Show the influence of the character of the country on local government in New York and the South.
2. Compare the merits of the town with the county system of local government.
3. Describe the origin of local government in the West.
4. Why is the town meeting not suitable for a large population?
5. Describe the duties of the sheriff.
6. Compare city and country life.

## QUESTIONS SUGGESTED BY THE TEXT

1. Describe town and county government in your own state. Is its local government modeled upon the town, county, or "mixed" system? Account for its system.
2. What restrictions are placed upon the action of town and

[1] See Appendix for a famous account of how a rural community arises.

county governments in your state? Consult a lawyer if convenient.

3. How many towns (or townships) are there in your county? How many counties in your state?

4. Why are counties and townships more equal in size in the West than in the East, and why are boundary lines more regular in the West?

5. Are there any counties in your state that are not divided into towns (or townships)?

6. Show how a county fair serves a community purpose.

7. Of what important matters does a country boy know more than a city boy? Of what does a city boy know more than a country boy?

## CHAPTER IV

### THE GOVERNMENT OF CITIES

**The English Borough.** — The English borough was an outgrowth of the Anglo-Saxon tun. Several tuns, when near together, would gradually unite in a large group and build a fort. This was called a burg or borough, a name which in time was applied to the entire settlement.

In the earliest times the borough differed from the town only in size and strength, but when the smaller towns became subject to a lord, the boroughs kept a larger portion of liberty.

The borough, being comparable to an hundred, soon gained its own court. When its size made it comparable to a county, it obtained a sheriff and a higher court, similar to a county court.

Within these boroughs commerce and manufacturing flourished and the persons engaged in these pursuits united in associations called *guilds*. These were designed to protect the members from the feudal lords and otherwise to benefit them. In time every important borough had its guilds, such as those of goldsmiths, weavers, etc. The guilds became politically the masters of the city, as we may now call the borough, and in time united in one great city organization. English kings, both in order to attach the cities to themselves and to obtain money, the need of which kings always felt, would give to the cities important privi-

leges in exchange for cash payments. A written document, known as a charter, stated that the city was entitled to these benefits, and was signed by the king. Great feudal lords in the same manner often granted privileges. In this manner English cities, as well as those on the Continent, became centers of liberty. Henry II and the kings that followed him granted many such charters. By the fourteenth century most duties of the guilds passed to the borough or city.

The borough regulated trade and commerce, even in such details as the quality and price of food; also controlled public markets, fixed the rate of wages, kept armed forces, and performed many duties which we now regard as belonging to the nation. Many boroughs had the privilege of maintaining their own courts, over which magistrates elected by the citizens presided. A much prized borough privilege was the sending of representatives to the House of Commons.

The boroughs gradually fell from their high positions; even in the fourteenth century they began to have less political importance.

Owing to the growth of national feeling, increased means of communication, and industrial changes, the nation took upon itself the duties of the cities, so that they lost their independence. Membership in the municipal corporation was restricted until the borough became a close corporation. Such was the condition of English cities when American cities were beginning to rise, and such it remained until the reform acts of 1832 and 1835.

English cities of that time gave America no example of good city government, yet they furnished the models for our earliest city governments.

**Definition of City.** — The term "city" does not mean the same thing in all parts of the United States. In many parts of the West a population of a few hundred is enough for a city charter; in other parts of the country places with a population of several thousand are still organized as towns or villages. Some states require a certain population before they can become cities; others have no definite requirements. For census purposes the United States Census Bureau classes all places of a comparatively small area containing 2,500 or more inhabitants as cities. An urban community with a population of 2,500 or more may be regarded as a city whether legally so or not; its needs and responsibilities class it as a city.

**Growth of Cities.** — In all progressive countries cities have grown very rapidly within the last thirty years. The following table shows the increase in the urban population of the United States since 1790, the year of the first census.

| Census Years | Total population | Urban population[1] | Number of places | Per cent of urban of total population |
|---|---|---|---|---|
| 1910 | 91,972,266 | 42,623,383 | 2,405 | 46.3 |
| 1900 | 75,994,575 | 30,797,185 | 1,894 | 40.5 |
| 1890 | 62,622,250 | 18,272,503 | 447 | 29.2 |
| 1880 | 50,155,783 | 11,318,547 | 286 | 22.6 |
| 1870 | 38,558,371 | 8,071,875 | 226 | 20.9 |
| 1860 | 31,443,321 | 5,072,256 | 141 | 16.1 |
| 1850 | 23,191,876 | 2,897,586 | 85 | 12.5 |
| 1840 | 17,069,453 | 1,453,994 | 44 | 8.5 |
| 1830 | 12,866,020 | 864,509 | 26 | 6.7 |
| 1820 | 9,638,453 | 475,135 | 13 | 4.9 |
| 1810 | 7,239,881 | 356,920 | 11 | 4.9 |
| 1800 | 5,308,483 | 210,873 | 6 | 4.0 |
| 1790 | 3,929,214 | 131,472 | 6 | 3.4 |

[1] Population of places of 8,000 inhabitants or more at each census, except for 1910 and 1900, in which cases all places over 2,500 are included.

When the first census was taken there were only six places which could boast a population of 8,000 or more, and Philadelphia, the largest of these, had only 42,000 inhabitants. To-day New York City with its 4,766,883[1] exceeds by more than 700,000 the entire population of the United States in 1790. In the middle Atlantic states seven-tenths of the population now live in cities of 2,500 or more inhabitants, and in New York and Massachusetts the population in the country districts is actually decreasing.

**Reasons for Urban Growth.** — Most men who have left the country for the city have done so because the latter offered better business advantages. Every improvement in farm machinery has lessened the comparative number of laborers needed in country districts and every improvement in transportation has led to the growth of manufacturing and commercial establishments in the cities.

**City Charters.** — Every city is created by an act of the state legislature. This legislation is known as a charter. The charter provides for all departments of city government. In some of the states there is a general form of charter which may be applied to all cities of a certain size. This plan is regarded as better than special charter legislation, as it prevents mistakes and too hasty action.

There is a great variety of city government in states which have no uniform plan of charters. City charters

[1] Census of 1910.

**Note.**— The increase in urban population, contrary to popular opinion, is not peculiar to the United States. In the decade 1890-1900 Hamburg increased in population more rapidly than Chicago, Munich more rapidly than Buffalo, Frankfort more rapidly than Pittsburg, Leipzig more rapidly than St. Louis.

are frequently very elaborate, much more so than the national or state constitutions. The original charter (1898) of the present city of New York contains 750 pages. Charters differ from constitutions in that they may be changed or amended at the pleasure of the state legislature.

**Departments of City Government.** — City courts, presided over by elective magistrates and judges, exist in all our large cities, but they are really branches of the state judiciary and will be treated in that connection. Each city has also executive and legislative departments.

**The Mayor.**— At the head of the executive department of the city stands the mayor, elected by the people for a term of from two to five years. City charters granted before the middle of the last century so carefully limited the power of the mayor as to make him subject to the city councils. So poorly did this plan work that it was given up, and the power divided between the mayor and councils. Divided authority, however, means divided responsibility, and there has been a steady movement toward putting executive authority wholly in the hands of the mayor, so as to make him responsible for the administration of the entire city. His veto power makes him responsible, in a large measure, for legislative acts also. A "responsible mayor" is given power to appoint and remove heads of departments, such as chief of police, park commissioners, etc., and hence the mayor is responsible for the actions of those he appoints. The power of a "responsible mayor" is so great that it is supposed citizens will see that an able man is chosen, and

experience in the United States has shown the wisdom of this plan.[1]

The sad experience of Minneapolis, whose mayor in 1902 dealt wholesale in permits to violate the law, shows what power for evil may be exercised by a responsible mayor and may well serve as an "horrible example."

**Qualities a Mayor Should Possess.** — That a mayor should be honest is an accepted fact, but it is also equally true that he should possess training for the important duties which belong to his position. A good "business man" will not necessarily have the kind of ability required for an able mayor, and many an honest man has proven a miserable failure in that office.

The ideal mayor must have knowledge along a number of lines. "He must be sufficiently experienced to recognize the interests of the city when selfish and designing men are seeking to enrich themselves at public expense.

"He must especially have large knowledge about all business engaged in furnishing the so-called public utilities so as to know what may be demanded when private corporations are engaged in supplying these utilities, and what is a right standard when they are supplied by the municipality. Especially must the mayor, along with a backbone of iron, have expert knowledge concerning all franchise questions."[2] He must have enough knowledge

[1] English cities, on the contrary, have had good government with the chief responsibility in the hands of the city councils. The mayor, appointed by the council, acts as its agent. Were it possible to elect able and honest men to membership in the city councils, such a plan would doubtless succeed as well in America.

[2] Ely, "The Coming City," pp. 40-41.

along the line of each department of the city's duties to appoint experts as department heads and to hold them to their full duty.

The salary of the mayor should be large enough to attract men of ability. New York pays its mayor $15,000 a year; Boston follows with $10,000 a year.

In many European cities the Mayor is not elected by the people, but is chosen by the city council or board of aldermen. He must have special training for the position, which is regarded as a profession. A successful mayor is often called to serve another city at an increased salary. It is not uncommon to see in European newspapers notices of a mayor's position being vacant and requests that properly qualified candidates should file applications with short sketches of their lives, with the chairman of the municipal council. While there is no probability that in America European practice in reference to choosing a mayor will be followed, it is well to recognize that a city community can best be served by a mayor who has special training and fitness for the position. Few men have such qualifications and the city is fortunate when it secures a suitable mayor and should keep him in his position regardless of his opinions or national political issues, only requiring that his patriotism should be beyond question.

**City Administrative Departments.** — A city comptroller, or auditor, has charge of the city accounts and must decide upon the legality of all payments. The comptroller is usually elected by the people. Experience has shown that the department of finance should not be under the control of the mayor, but should be independent, and thus serve as a check upon other departments.

MUNICIPAL BUILDING — NEW YORK

Such important departments as those of police, health, fire, street cleaning, parks, etc., are in the hands of a single commissioner or of a commission. Heads of these departments are generally appointed by the mayor, who has also power of removal from office. Sometimes appointments and removals are subject to the approval of the city council.

The department of education is separate from the other departments. The members of the board of education either appointed by the mayor or elected by the people choose the superintendent of schools and have charge of matters relating to the public schools.

**The City Legislative Department.** — Most cities have a single legislative body, usually called the city council. Its members are elected from wards or other districts for a term of from one to four years. In many cities the legislative department is made up of two bodies, the upper and less numerous one being chosen for a longer term than the larger lower chamber. The upper chamber is often called the board of aldermen. In some cities the members of the upper chamber are chosen from the entire city or from large districts. This is done in the hope that abler men will be elected than if they were chosen from wards. Councilmen serve either without pay or for a small salary. New York City pays her aldermen, who serve for a term of two years, a salary of $2,000 a year.

**The Duties of the City Legislative Department.** — The power of the city councils is strictly limited by the charter. Legislative acts of the council are known as ordinances and cover such local subjects as police regulations, opening of new streets, etc. The power of city councils has been much

limited by the creation of special departments under commissioners responsible to the mayor. Ordinances that have passed the city council must be approved by the mayor before becoming effective, though they may be passed over the mayor's veto by a two-thirds majority.

Among the most important duties of the city council is the granting of permits for the building and operation of street railways, gas and electric light works, and telephone lines.

To the city council financial affairs are usually entrusted; it must provide revenues by taxation or other means and no public money may be expended without this vote. In some cities, including New York, a special board prepares yearly a budget, which is a statement of the amounts to be expended for different purposes, and of plans for taxation. This board is called the board of estimate and apportionment. This report may then be submitted to the council.

The National Municipal League has presented a plan for a model city charter.[1] According to this plan there should be:

1. A council of one body. Members to be elected on a general ticket for terms of six years, and to serve without pay. One-third to be elected every two years.

2. The mayor to serve for a term of two years. All heads of departments, except the comptroller, to be appointed by the mayor. Minor officers to be appointed on the basis of a civil service examination.

3. A comptroller to be elected by the city council, who would be the head of the financial department.

[1] In "Municipal Program," pp. 187–224.

**Village Government.** — Communities smaller than cities, but which have some of the needs of a city population, such as police protection, water works, and fire department, are organized as villages.[1] Village government is like city government, and needs no detailed description. Villages differ from cities in remaining part of the town government, and in having less power in financial affairs than cities. "The motive for passing from town government to city government in general has been the same everywhere, to acquire a certain readiness of action, and to make more available the credit of the community in order to provide adequately for its own growth." (Bryce.)

### DEPARTMENTS OF CITY ACTIVITY

**Police Department.** — City government is much less simple than rural government. Constables, who usually have time to engage in private business in addition to their official duties, are sufficient to keep order within a town. A large population, crowded streets, and large buildings filled with costly merchandise, offer better opportunities for crime. The city needs a permanent police force to enforce the law. New York finds it necessary to maintain a police force of over 10,000; other cities follow in order of their size.

A large part of the work of the police force consists in other duties than arresting criminals. Directing traffic in the streets so as to prevent undue congestion, aiding persons in finding their way, sending calls for ambulances, reporting nuisances, and other duties of a like nature are among the daily tasks of policemen. It sometimes hap-

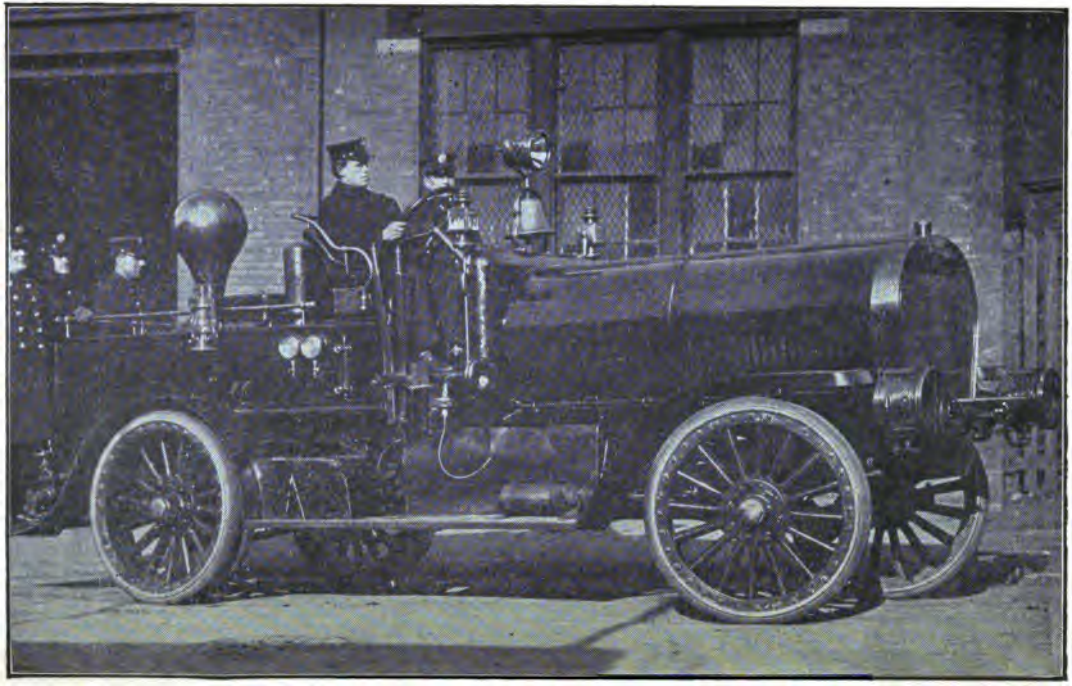
[1] Known as boroughs in Connecticut and Pennsylvania.

pens that policemen are obliged to stop the playing of ball and other games in the streets. As it is unlawful for such games to be played in the public streets, an officer of the police department must stop them if complaint is made, or he finds that they are causing annoyances or danger to the people in the street, or those who live along it. Police officers are in fact public servants, who are paid by the city from money collected by taxation. To all who obey the law they are of daily service. In the discharge of their duties they are often subject to great danger. No braver men live than may be found in the police department of every large city.

**The Fire Department.** — The fire departments of American cities are unsurpassed in the world, yet the losses by fire in the United States are greater than in any European country. The losses by fire in the United States for one year (1917) were $250,753,640; during this same year in New York City there were 14,053 fires with a loss of $14,278,523.

It would be unfair to draw the conclusion that Americans are less careful in preventing fires than are Europeans, because there are few wooden houses in Europe and private houses are less thoroughly heated than in America. It is however true that most of the fire losses in America are preventable. Many communities have a fire prevention day during which flues are examined, cellars and closets cleaned out, and other precautions taken against fires. The good citizen of a community should make every day a fire prevention day to the best of his ability.

The citizen of every urban community knows how valuable are the services of the fire department and how



THE MOST POWERFUL FIRE-FIGHTING MACHINE IN THE WORLD

often its members endanger their lives in the performance of their duty.

**Fire Insurance.** — The owners of most of the property destroyed by fire in the United States have their losses made up by fire insurance. Fire insurance is considered part of the expense of carrying on business or owning a home. If there were fewer fires the expense of fire insurance would be reduced. Where there is a good fire department the fire insurance is secured at a low rate and "fire proof" buildings secure a lower rate in the same community than buildings more liable to burn.

**City Streets.** — A city needs a good system of public streets, well paved, and well cleaned. The leading business streets must be paved with material strong enough to withstand a heavy traffic. The laying out of city streets usually belongs to the city council; keeping them in repair is the work of the street department; and the cleaning of the streets is usually given to a special department.

No city streets can be kept in good condition without the help of all the citizens. Throwing papers and fruit skins in the streets not only spoils their appearance, but may be the cause of an accident. The streets are the property of the citizens and all should do their part to assist the department of street cleaning.

**The City and Public Education.** — The city school system is always more extensive than is possible in a country community. The city is able to pay for fine buildings and school supplies of all kinds, and to pay salaries large enough to attract the most able teachers.

In addition to primary, elementary, and high schools,

St. Joseph's in the Pines, Brentwood, Long Island.

Seton Hall College, South Orange, New Jersey.

SOME FAMOUS CATHOLIC EDUCATIONAL INSTITUTIONS.

most cities have kindergartens and many maintain high schools for technical education. A few American cities maintain colleges in which tuition is free to residents of the city. Large cities usually have evening schools for the benefit of those who must work during the day. In a number of our cities, the department of education offers courses of lectures, free to the public, on literary, historical, and scientific subjects. Closely related to the work of the department of education is that done by public libraries, museums, and art galleries.

**Parks and Recreation.** — Every modern city has, or should have, a great number of parks. Parks are not only of value in beautifying the city, an important thing in itself, but, if near the crowded parts of the city, have an important effect in purifying the air. Within the parks are often zoological gardens and other means of instruction and entertainment.

Like all other city property, the parks belong to all the citizens. A small number of policemen are on duty to prevent disorder and destruction of property. The surest guarantee of proper conduct in the parks, however, is the knowledge among citizens that the city parks belong to all, and that no citizen should destroy his own property nor allow another to destroy it without protest.

New York City maintains a considerable number of public playgrounds, usually in densely populated districts, where under able direction the children of the poor may enjoy wholesome games free from the bad influences of the streets. New York City has also a number of recreation piers along the river front.

American cities are just beginning to see the value of

SCENES IN WILBER PARK.

The Gift of Mr. George I. Wilber to the City of Oneonta, New York.

public baths. New York maintains floating baths in the rivers and bay during the summer, and permanent baths, equal to any in the world, during the entire year in many parts of the city. Many other American cities have followed the example of New York.[1]

It is an error to think that parks are only for large cities; every city and village should have a park. Money and time are saved if a growing urban community secures park lands as early as possible, even though they are kept for years in a more or less wild condition. Even small cities find that playgrounds in their parks conduce to better order and habits among the children and that when play is under the eye of a trained adult, it is less dangerous and bad habits and bad language are eliminated or reduced to a minimum.

**Vacant Lots.** — Vacant lots are usually a nuisance. They may be a dumping place for tin cans and other rubbish, and are often surrounded by unsightly billboards. It is possible for a community to compel owners of vacant lots to keep their property in a sanitary condition and billboards may be required to conform to legal regulations, or they may be taxed out of existence. In many communities vacant lots have been loaned to schools for school gardens and in some communities the owners of vacant lots have permitted the poor to use them for vegetable gardens.

**Back Yards.** — Good citizens keep their back yards clean and attractive. A back yard may be made a beauty

[1] See Bulletin of the United States Bureau of Labor, September, 1904.

spot or a profitable vegetable garden. Fortunately there is everywhere, since the Great War, a tendency toward improving waste land and one good back yard invites others to imitate it.

**Department of Charities and Correction.** — Immense sums are expended annually by every large city for the care of the dependent and delinquent classes. The dependent classes are those who are unable to support themselves because of extreme youth and old age, accident, poverty, disease, or physical or mental defect. The delinquent classes are the offenders against the public peace and safety. The prisons and reformatories are not so much designed to punish wrongdoers as to protect the public and to reform the criminals. In connection with the judiciary, most cities have special juvenile courts before which children must appear when charged with offenses. It is no small matter for a boy or girl to be brought before the juvenile court, as the consequences may be serious, but the city in maintaining these courts, which separate the young from old offenders, shows that it desires not so much to punish as to reform the young wrongdoers, though, if necessary for the public safety, it will punish and punish with severity.[1]

**Water Department.** — Every city should possess an abundant supply of pure water. Upon the character of the water depends the public health, and upon its abundance depends the fire department, the street cleaning department, and the sewer department. In some of the smaller

[1] Full details of charities and kindred subjects are given in a later chapter.

cities, privately owned water systems exist, but in all the large cities the water works are owned and operated by the city.[1]

New York City has completed one of the greatest water systems that the world has ever known. The city had been receiving for a number of years a daily supply of about 500,000,000 gallons of water, which was about 100 gallons for each of its inhabitants. The city has been

A section of the tunnel which carries water from the Ashokan Dam to New York. Compare the size of the entrance with that of the team of horses.

growing so rapidly that this supply would soon prove inadequate, and so the city arranged for an additional supply from the Catskill Mountain region, which has more than doubled the former daily supply of water.

The new water supply system includes the immense Ashokan Reservoir, which if once filled, but with no more water flowing into it, could supply the city for 335 days at

[1] In the suburban districts of New York City there are a few privately owned water works.

the present rate of consumption, a number of smaller reservoirs, and the Catskill Aqueduct.

The aqueduct extends from the Ashokan Reservoir in the Catskill Mountains, thirteen miles west of Kingston, New York, to Storm King Mountain, four miles north of West Point, then under the Hudson River to Breakneck Mountain, from there to Kensico Reservoir, and then to Hill View Reservoir at Yonkers just north of the city line. The most difficult part of the construction was the tunnel under the Hudson; here it became necessary to cut through solid rock 1,100 feet below the surface of the river. The Catskill Aqueduct is about 92 miles long, 55 miles being "cut and cover" work, 31 miles tunnels, and 6 miles steel pipes. The water from the Catskill Aqueduct is distributed to all the boroughs of New York City through the pipes of the previously existing system, which it was intended to supplement and not displace.

**Other Lines of City Activity.** — In addition to the departments above mentioned and others of a similar nature which are necessary city functions, many cities engage in industrial activity such as operation of gas works and electric light plants. The consideration of this variety of city activity is reserved for a subsequent chapter.

Foreign cities have a wider range of activity than American cities. In Europe it is quite common for cities to own model tenement houses, conduct a pawn-broking business, own cemeteries, etc.

## THE GOVERNMENT OF NEW YORK CITY

**The Charter.** — The Dutch government granted the city of New Amsterdam a charter in 1653. When the city was under English control twelve years later, Governor Nicolls granted a charter to " His Majesty's town of New York " in which the schout, burgomasters, and schepens of the Dutch were replaced by mayor, aldermen, and sheriff. Three other charters were granted during colonial times. The first complete charter from the state was granted in 1813. Revisions of this charter were made in 1830 and in 1873. The Consolidation Act of 1882 embodied a complete revision of the charter, and this remained in force until 1898, when the first charter of the greater city of New York went into effect, The new city included the territory of the old city of New York, the County of Kings, the County of Richmond, and portions of what was the County of Queens. The charter was carefully prepared by a committee of experienced men, and included provisions suggested by the best charters of European as well as American cities. A new charter, intended to correct mistakes in the original charter of the greater city, went into effect January 1, 1902.

**The Boroughs.** — The city of New York is divided into five boroughs: Manhattan, comprising Manhattan Island and some small neighboring islands; the Bronx, including that part of the old city of New York in Westchester County and some neighboring islands; Brooklyn, including all the county of Kings; Queens, including all of the present county of Queens; and Richmond, including Richmond County (Staten Island).

**The Mayor.** — The mayor is elected by the voters of the entire city for a period of four years. He has very extensive powers of appointment, and responsibility for most executive and administrative departments is, therefore, upon him. In other respects his powers are similar to those usually exercised by a mayor.

**Administrative Departments.** — Over every administrative department there is a single officer. All heads of administrative departments, except the comptroller, or head of the department of

NEW YORK CITY HALL

finance, and the superintendent of schools, are appointed by the mayor. The comptroller is elected by the voters of the entire city, and the superintendent of schools is chosen by the board of education, the members of which are appointed by the mayor. To the administrative departments are assigned duties similar to those given to executive departments in other cities, except that the water works of the boroughs are chiefly under borough officers.

**Borough President.** — Each borough has a borough president elected by the voters of the borough for a term of four years. The borough president has general charge of public streets, bridges, tunnels, and most of the public buildings in his borough. He also has charge of local improvements, which are voted by the local boards.

**Boards of Local Improvements.** — The city is divided into twenty-five districts for local improvements. Local improvement boards have power to open streets, construct bridges, and establish parks in cases where the adjacent property bears part of the expense except where the charge on the city as a whole is over $500,000, in which case it must be approved by the board of aldermen. All plans for local improvements must, however, be approved by the borough president, and in case the improvement calls for an expenditure of over $2,000 it must be approved by the board of estimate and apportionment. The local improvement boards are composed of the members of the board of aldermen within the district and the borough president presides over the meetings of the board.

**Board of Estimate and Apportionment.** — The board of estimate and apportionment is composed of the mayor, president of the board of aldermen, the comptroller, and the five borough presidents. In the board of estimate and apportionment, the mayor, comptroller, and president of the board of aldermen have three votes each, the presidents of the boroughs of Manhattan and Brooklyn have two votes each, and the presidents of the other boroughs have one vote each. One of its chief duties is to prepare the annual budget, or estimate of expenses, for the succeeding year. The budget then goes to the board of aldermen, and when passed becomes the legal amount to be raised during the year for local

MANHATTAN BRIDGE

purposes. Permits to corporations desiring to operate street railroads, or to supply other public services, are granted by this board.

**The Board of Aldermen.** — The board of aldermen is the legislative branch of the city government. The board consists of seventy-three members elected from that number of aldermanic districts for a two years' term, of the president of the board, elected by the voters of the entire city, and of the five borough presidents. Each head of an administrative department has a seat on the board, and must attend its meetings when requested by the board. He has no vote, but may take part in debates; he is also required to answer questions relating to his department, provided forty-eight hours' notice is given that a certain question will be asked. The board has power to pass ordinances upon subjects named in the charter. It cannot authorize the expenditure of money for any celebration, procession, funeral, reception, or entertainment, except by a vote of four-fifths of its membership. A bill vetoed by the mayor may be repassed by a two-thirds vote except in case of an ordinance or resolution involving the expenditure of money, or the levying of an assessment, in which case a three-fourths vote is required. The board of aldermen is empowered to fix salaries of all city employees other than day-laborers, teachers, examiners, and members of the supervising staff of the board of education. This action can, however, only be taken upon recommendation of the board of estimate and apportionment. The board cannot increase any salary, but may reduce salaries; in the latter case, however, the mayor may interpose his veto. The Board meets at the City Hall in Manhattan, and must hold a session at least once a month, except during August and September.

**The Board of Education.** — No city in the world has paid greater attention than New York to public education. It is worthy of note that the largest single item of expense to the city, except interest on the debt, is the maintenance of the public schools. During the year 1918 the enormous sum of $44,213,519 was appropriated for the department of education. The board of education, consisting of seven members appointed by the mayor for terms of seven years, has general charge of the public schools. Members

A SCENE IN THE LIBRARY OF THE GIRLS HIGH SCHOOL, BROOKLYN, N. Y.

A GRADUATING CLASS OF THE NEW YORK TRAINING SCHOOL FOR TEACHERS.

of the board of education serve the city without pay, and the city has never failed to secure the services of able men and women who have given their best endeavors to forward the interests of the public schools.

LOWER MANHATTAN AS SEEN FROM BROOKLYN.

## COMMUNITY PLANNING

**Most Communities not Planned.** — In America most communities just grew like Topsy. The result is that streets are often narrow and crooked; not at all suitable to heavy traffic and street railroads. Often no provision has been made for parks and public buildings. All of this means that sometime in the future, streets must be widened and made straight and plots cleared for public buildings, at a great expense of time and money. The lower part of New York City with its narrow winding streets as compared with the upper part of the same city shows the difference between a city that just grew and a planned city.

**City Planning** — The best example in America of city planning is afforded by the National Capitol. Washington was planned to be a great city before a building was constructed, by Major L'Enfant, a French engineer. The broad streets and numerous parks, both large and small, attract the attention of every visitor. The

A FOLK DANCE BY GIRLS OF ADELPHI ACADEMY, BROOKLYN, N. Y.

VIEW OF WASHINGTON AS SEEN FROM WASHINGTON MONUMENT.

Capitol, situated on a commanding site, is the central feature. Wide diagonal avenues radiate from the Capitol. Streets running north and south are met by streets running east and west. Little parks are found where streets and avneues intersect and at not infrequent intervals are larger parks, each occupying a whole block. A splendid parkway, known as the Mall, extends from the Capitol westward to the Potomac.

Many smaller city communities have been well planned. Especially true is this of suburban cities and villages and some cities planned by great corporations like Pullman and Gary.

Usually city streets are arranged on the checkerboard plan with streets intersecting each other at right angles, though local topography may require some modification.

Diagonal streets, may be imposed on the checkerboard plan, as in Washington. Many villages and cities, near the great cities, have been arranged on the plan of a park.

**Civic Centers.** — By a civic center is meant a grouping of the most important buildings such as the postoffice, courthouse, city hall and other much used structures, in a central place. This not only saves much time to many people, but the civic center may be a place of beauty as well. With artistic buildings, harmonious in architecture, a small park, a few really good statues and a fountain or two, a civic center is an attraction not to be lightly esteemed.

**City Zones.** — Many European cities are divided into zones so that business property, manufacturing plants, residence property, etc., are kept separate. This plan has been adopted recently by New York City and has been partly put in operation. In a great city it is impossible to have all the stores, garages, and manufacturing plants in a single location, but New York has restricted certain districts from use for those purposes to the great benefit of the city as a whole.

**The Front Door of a Community.** — Every city, and many villages, has a railroad station as its front door. Until recently the railroad district has been characterized by its ugliness. This is unfortunate as first impressions are proverbially lasting and many a traveller sees only the front door. Ugliness seems to come natur-

ally to a railroad district, but with some care and expense the front door may be made a thing of beauty. In a large city, an imposing and comfortable station, into which the tracks enter by underground passages, may make the railroad among the attractive features of the town. Washington has perhaps the most beautiful union station in America and, when the new broad avenue, extending to the capitol, is completed Washington will have a front yard worthy of the city and the station Every community, large or small, should have a front yard and a front door that are not only serviceable, but beautiful.

PENNSYLVANIA TERMINAL, NEW YORK CITY.

Cities on bays, rivers, or lakes usually have another front door. The approach by water may be attractive or ugly. Chicago has changed its water front from one of the worst in the world to one of the most attractive. There must be warehouses on the water front, but every city should have some portion of its water front secured for driveways and parks and all of it should be kept clean and free from obnoxious billboards and signs.

**Classification of Cities.**— In all American States cities are classified according to their population, so that legislatures may enact laws relating only to cities of a certain size. In New York State cities of 175,000 and over are first class cities; those having a population between 50,000 and 175,000 are cities of the second class; cities of the third class include all others.

## QUESTIONS ON THE TEXT

1. Describe the growth and character of the English borough.
2. What influence had English boroughs upon American cities?
3. What is a city? Define a city charter.
4. What has caused the growth of American cities?
5. Why does a city require government different from that of a country district?
6. Describe the duties of a mayor.
7. What is meant by a "responsible mayor?"
8. What powers are possessed by the city legislature?
9. Describe the work of the principal city departments.
10. How do village governments differ from city governments?

## QUESTIONS SUGGESTED BY THE TEXT

1. Describe the government of your own city, or the city nearest you.
2. Discuss the advantages and disadvantages of a city council of one chamber as compared with a council of two chambers.
3. Do you think that in fifty years the majority of the population of the United States will reside in cities? Give reasons for your opinion.
4. What has led to the establishment and growth of Boston, Chicago, New York, Pittsburg, St. Louis, New Orleans, and San Francisco?
5. Why should persons who have no children in the public schools be taxed for the support of the public schools? What benefits do such people derive from the public schools?
6. Show why it is right for a boy to be compelled to go to school, even though his parents may not care to have him attend.
7. Is your community well planned? What improvements can you suggest?
8. The fire losses in the United States for 1917 amounted to over $250,000,000 "mostly preventable." How can fires be prevented by the individual citizen? By the community?

## CHAPTER V

### SOME MUNICIPAL PROBLEMS

**Misgovernment in American Cities.** — Foreign and American cities have not hesitated to say that the one failure in American government has been in our cities. It must be confessed that corruption in city government has been not uncommon. Public franchises[1] worth millions have been given away, and large sums of money have been spent for so-called public improvements which have been of little value to the city, but have enriched many individuals. When the voters elect corruptible officials, who can be bribed to betray the people's interests, they need not be surprised to find the city the possessor of miserable pavements, a poor water supply, and inefficient police. In every American city there are enough honest and intelligent voters to elect able and incorruptible officials, *if they would insist upon the nomination of such men and would support no others at the polls.* The real danger is not so much from scoundrels who are active in politics, as from otherwise good citizens who fail in doing their political duty. There have been great improvements in American cities during the last few years. Citizens are taking a more active part in efforts to obtain good government and the

[1] A franchise is a special privilege granted to a person or company. For example: a street railroad cannot be built without a franchise.

results of these efforts may be seen in most, if not all, of our cities.

**The Commission Form of City Government.** — The usual form of government by a commission provides for the election of a number of commissioners, usually five or seven, from the city at large.[1] After election they organize by choosing one of their number to act as mayor, and divide with each other the administration of the various city departments. Thus one commissioner has charge of the police department, another of the department of water supply, another of the health department, etc. One great advantage claimed for the commission form of city government is that it would furnish a "short ballot" in presenting to the voters the names of only a few candidates instead of such a large list that many persons unknown to the average voter must be selected.

Many cities in the United States have recently adopted the commission form of city government. It seems to have given satisfaction, but it must be remembered that good government depends upon the intelligence and devotion to duty of the citizens, and that without these no form of government can be permanently successful.

**The City-Manager Plan.** — The city-manager plan is a modification of the commission form of government. It was first put into operation by the City of Dayton, Ohio, in 1914. "According to the Dayton plan an elective commission of five members controls all branches of the city's affairs, legislative and administrative, except

[1] This means that all candidates are on a general city ballot, not being chosen each from a ward or assembly district.

the schools, which are under a separate board. The members of the commission are chosen by popular vote for a four-year term, but are subject to recall by an adverse vote at any time after six months of service. The commission, by majority action, enacts the ordinances and fixes the tax rate. It also votes the appropriations and may create or abolish city departments. But it does not directly have anything to do with the actual management of the various departments, nor does it immediately supervise the work of the officials. These responsibilities it delegates to a high official with the title of city-manager, appointed by the commission to hold office during its pleasure and paid a good salary."[1]

To properly perform his duties the city-manager must be an expert. He attends all meetings of the commission and, though he has no vote, may give advice and offer recommendations. All ordinances are enforced by him and he appoints all other city officials and employees, subject to civil service rules. He prepares the budget, has charge of contracts, the purchase of supplies, etc.

The city-manager plan is now in operation in almost a hundred American cities and appears to give satisfaction. It is a valuable, and perhaps necessary, modification of the commission plan.

**The Spoils System.** — Immense sums of money are received and spent every year by our great cities. The expenditure of many cities is far greater than the total expenses of any state in the American Union. Large sums of money must be paid for the services of men who are employed by the city in purely routine work. In the

[1] Munro, "The Government of the United States," 631–632.

absence of any civil service laws, elections become mere scrambles for the possession of the offices.

All of the more important American cities protect their employees by a civil service law. School teachers, policemen, firemen, and all other city employees will give better service if they are selected without regard to politics and can be removed only for good reasons. A good civil service law must include: (1) a competitive examination to test the ability of the applicant to fill the position; (2) temporary appointments to be made permanent if satisfactory service is given; (3) promotions made on basis of merit to be determined by an examination, though past services should be taken into consideration; (4) city employees should not be asked for contributions for political purposes. Civil service rules mean better service to the city and make the employee's position secure as long as he gives good service. The objection that the examinations do not test the ability of the candidate to perform the duties of his office is easily disproven by an examination of the questions given.

**City Politics vs. State and National Politics.** — It is now fairly well recognized that city politics have no relation to state and national politics. The opinions which a candidate may hold on national affairs in no way affect his qualifications for local office. The separation between municipal and national affairs is now recognized in many city charters, which place days for the electing of municipal officers so that they will not interfere with state or national elections.

**Municipal Home Rule.** — A large part of the time of many state legislatures is taken in the consideration of bills

relating to special cities and of purely local interest. The majority of the members of a state legislature seldom possess enough knowledge of city conditions and needs to enable them to pass intelligently on local city problems. One of the most shameful cases of state interference in city affairs was the " ripper bill " passed by the Pennsylvania legislature in 1901. By the terms of this act the elective mayors of several Pennsylvania cities (including Pittsburg) were removed from office, and the governor was given power to appoint temporary " recorders " to fill the vacant offices. The city of Cleveland in 1888 was compelled by the Ohio legislature to tax itself for the building of a soldiers' monument which it did not want. Some state legislatures have regulated by law the salaries of city employees who are doing strictly city work. The police commissioners of Boston are appointed by the governor of the state and are responsible to him, though the city must pay the salaries. Extraordinary conditions, such as the shameful condition of the police department of the city of New York in 1894, are proper occasions for state interference, but as a rule local affairs should be left to the city councils.

The state, however, has the right to pass general city laws applicable to all cities of a certain population. In New York state, under the terms of the present constitution, special city laws must be submitted to the mayor of the city concerned, if the city be one of the first class, and to the mayor and city legislature of all other cities. A public meeting may be announced by the mayor of the city concerned, at which friends and opponents of the bill may present arguments. If approved by the mayor the bill goes to the governor for his consideration.

The city, however, has not only functions of its own to

perform, it is also the agent of the state in many cases. The state must enforce certain rules in regard to education, sanitary matters, and other affairs of interest to the entire state. These functions are both state and municipal, and the state has the right and duty to see that the city authorities enforce its regulations. The state should not, however, do more than enforce the general policy of the state at large. For example: the state may desire to enforce only elementary education throughout the state; if the city desires to support high schools, that is then a purely local matter. Should the state legislature desire to carry out a certain policy throughout the state, the details of that policy should be managed by a state board.

**The City and Natural Monopolies.** — Certain industries have a strong tendency toward monopoly, and are therefore called natural monopolies. To this class belong water works, gas and electric works, and street railroads. Corporations desiring to furnish these services must make more or less use of the city streets and must obtain permission from the city for this privilege, which is called a franchise. Any permanent competition in these industries is out of the question; efforts at competition lead to a cutting of prices which is followed by some agreement between the different companies. For example: if two gas companies exist in a single city, they will for a time compete, and gas will be supplied at a low price. Neither company can make money, and in a short time one will sell out to the other, or they will join under a new name. The public in the end pays for the loss, either in higher prices or in lowering of quality, and it has all suffered in the meantime by an unnecessary tearing up of the streets.

Whether these municipal monopolies should be public or private property is one of the most debated questions of the day.

In regard to the water works, the question has already been settled in favor of city ownership. A pure and abundant water supply is a necessity. A city which fails to secure such a supply, though it has all else that is needful, can hardly be regarded as a desirable place in which to live.

A revenue from the water works is the last thing to be considered; the lives of the citizens are imperiled if money-making is made a chief consideration. The great Catskill Aqueduct would never have been constructed by a private company, as it cannot be expected to be a money-making enterprise for many years to come.

At the beginning of the nineteenth century there were seventeen cities provided with a system of water works, but in only one of these did the city own the works. The beginning of the twentieth century sees a majority of American cities, including almost all of the large ones, owning and managing the water works.

In regard to other municipal natural monopolies, the question between public and private ownership is not yet settled.

**Arguments in Favor of Municipal Ownership.** — Advocates of municipal ownership give in defence of their position such arguments as the following:

1. Private ownership has led to immense losses through allowing rival companies to control works of the same kind, since a joining of the companies and high prices generally follow. Monopoly prices of private companies are so high as to amount to a public burden.

2. The city may charge a smaller price and still make a revenue, as the city would be free from all danger of competition.

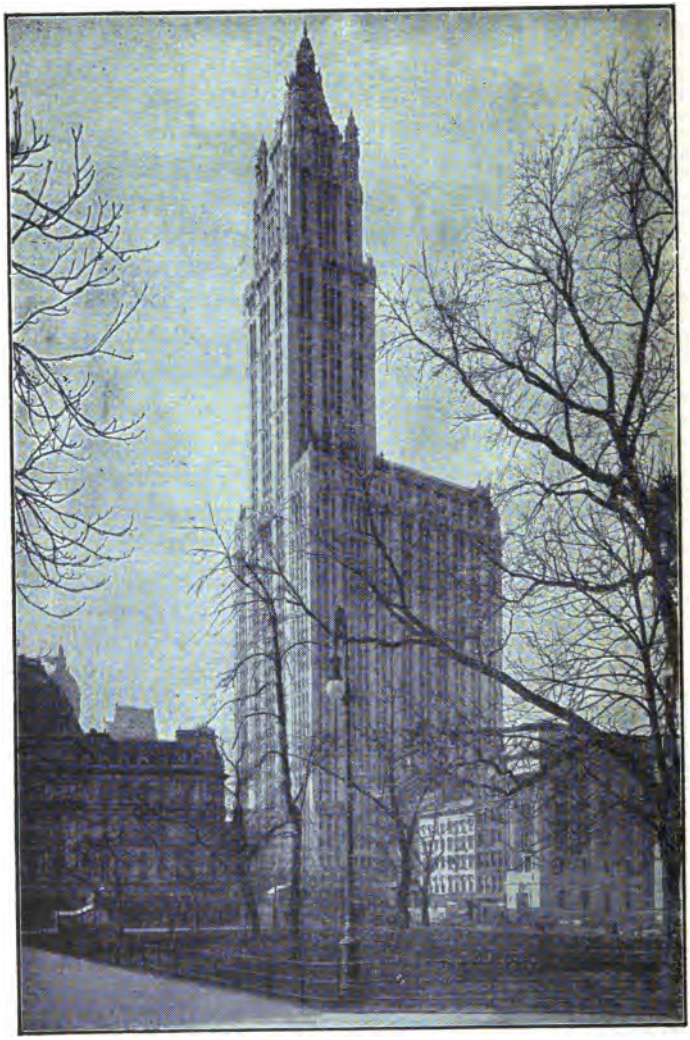
3. There would be less corruption in politics under municipal ownership. Most of the corruption of the city officials comes through private companies seeking franchises or other privileges. To increase the power of the municipal government would arouse greater interest in municipal affairs and cause a better class of officials to be elected.

4. The success of municipal undertakings of this kind is given as a reason for the extension of the policy of municipal ownership. In England and Continental Europe experience with public ownership has been extensive and satisfactory.[1] In the United States public ownership has seldom been practised. In no large city is the gas plant owned and managed by the city. Philadelphia has owned her gas works since 1841, but now lets them to a private corporation.

Richmond (Va.), Wheeling (W. Va.), Duluth (Minn.), and Hamilton (Ohio), are the principal cities which own and manage their gas works. Municipal ownership and management of electric lighting works is more common.

Among the cities owning works for the supply of electric light are Chicago, Detroit, Allegheny, St. Joseph, Little Rock, Jacksonville, and Tacoma. In most cases the city ownership of gas and electric lighting works has given satisfaction to the citizens both in quality and price. Success or failure seems to have depended upon the honesty of the local government. There has been not much experi-

[1] See Shaw, "Municipal Government in Great Britain," "Municipal Government in Continental Europe."



WOOLWORTH BUILDING — NEW YORK

ence in the United States with municipal ownership of street railways. For a number of years the railroad across the Brooklyn Bridge was jointly owned and managed by the cities of New York and Brooklyn, and the service gave excellent satisfaction. At present this railroad is owned by the city of New York, but is operated by a private corporation.

**Arguments against Municipal Ownership.**

1. It is often objected that municipal ownership is socialistic.[1] This statement is not an argument; the same statement with the same amount of truth may be made in regard to public schools, public libraries, parks, and bridges.

2. City government, it is said, cannot manage industries as well as private corporations, and poor and expensive service would result.

3. The strongest argument against municipal ownership is made by those who acknowledge the evils of private ownership, but claim that public ownership will not remedy the difficulties and that public regulation alone is needed. If natural monopolies are to be private property, they should be subject to public control as is the case in New York State and many other states, which regulate private monopolies by public service commissions. Such rules as the following are recommended:

*a.* Franchises should not be given away, but granted for a limited period, not exceeding twenty-five years, and the city should receive a fair price for the privileges given.

[1] Socialism means the public ownership and management of all lines of industry.

This price should include a sum paid at the beginning, and a percentage of the receipts of the company.

*b.* The possessor of a franchise should be protected against any attempt at competition by having the exclusive right to furnish the service within the city, or a part of the city.

*c.* Quality and prices should be regulated by law.

*d.* When the term for which the franchise was granted expires, it should return to the city, which should thus have the right to get control of the works.

*e.* Financial accounts of the corporation receiving the franchise should be matters of public record.

## QUESTIONS ON THE TEXT

1. Account for the existence of corruption in municipal politics.
2. What is meant by civil service reform? What features must a good civil service law include?
3. Why should national and city politics be separated?
4. To what extent should a city be granted "home rule"?
5. Discuss city ownership of the gas works, the electric light works, and street railroads.

## QUESTIONS SUGGESTED BY THE TEXT

1. Is your city, or the city nearest you, well governed? Give reasons for your opinion.
2. How can you help to give your city better government?
3. Give an example of some benefit derived by a citizen from the public service commission.
4. Compare the city-manager plan with the European method of choosing a mayor.

## CHAPTER VI

### SAFEGUARDING THE HEALTH OF COMMUNITIES

**Caring for those Who are Ill.** — Most persons who are ill receive treatment in their own homes. Hospitals are necessary however for those whose homes are not suitable for the proper care of disease, and for the treatment of special diseases. Every urban community and many rural communities have hospitals supported by private charity, by churches, and by taxation. In these hospitals the best of attention may be secured by anyone, and none need pay more than he can afford. Hospitals are necessary for surgical cases since few if any homes are suitable for operations.

Special diseases sometimes are treated in hospitals devoted exclusively to these diseases. For example tuberculosis may be cured in its earlier stages if the patient can live out of doors most of the time in a high altitude. Few cities are situated in a proper environment for the best treatment of tuberculosis, but charitable societies and states have erected camps and sanatoriums for the treatment of this disease in the best environment the state possesses.

Every community is much concerned with the health of the children in the public schools, since children who are ill cannot do their work and may be the cause of illness in others. Most city communities employ physicians and nurses to guard the health of children who attend the

public schools. Parochial and private schools give equal attention to the health of their pupils.

**Control of Epidemics.** — From time to time any community may be threatened by an epidemic. However careful the local Board of Health may have been, smallpox or some other disease may be brought into the community and unless it is at once recognized and the cases isolated, an epidemic may result. Physicians are required by law to report all cases of contagious or infectious diseases to the Health Officer or the local Board of Health. All persons who have the disease are kept from unnecessary contact with other persons and those who have been exposed to the disease are kept in quarantine until it is determined whether they will develop the disease.

**Prevention of Disease.** — Communities find it better policy to prevent disease rather than paying exclusive attention to curing disease. Most diseases are born by filth. A clean community is usually a healthy community. Compulsory vaccination helps to prevent smallpox gaining a foothold in a community and in time of danger a quarantine may prevent the introduction of disease from other communities.

Public information in regard to keeping the body in a healthy condition is part of the necessary work of local and state boards of health. Connected with the Treasury Department in Washington is the United States Public Health Service. Among its publications is a public health almanac, written after the style of the familiar patent medicine almanac.

The month of February (1919) is given in the Public Health Almanac as follows:

SECOND MONTH FEBRUARY 28 DAYS

MOON'S PHASES, EASTERN TIME

| | D. | H. | M. | |
|---|---|---|---|---|
| First Quarter... | 7 | 1 | 52 | P.M. |
| Full Moon..... | 14 | 6 | 38 | P.M. |
| Last Quarter... | 22 | 8 | 47 | P.M. |

To obtain moon's phases in central time, subtract 1 hour; mountain time, subtract 2 hours; Pacific time, subtract 3 hours.

This table calculated for Washington, D. C.; Virginia, Kentucky, Missouri, Kansas, Colorado, Utah, Nevada and central California, Exact time for rising and setting of sun may vary 2 to 15 minutes more or less from this table, in other sections of the United States depending upon the parallel of latitude upon which a given place is located.

| Day of Month. | Health Hints and Notable Events. | Sun Rises. | Sun Sets. |
|---|---|---|---|
| 1 | Tuberculosis is curable if recognized in time..... | 7.07 | 5.21 |
| 2 | Groundhog Day..... | 7.06 | 5.23 |
| 3 | The death rate from tuberculosis has decreased greatly during the past 15 years..... | 7.05 | 5.23 |
| 4 | War Savings Stamps are a good investment. Buy them..... | 7.04 | 5.24 |
| 5 | Avoid intimate personal contact with consumptives | 7.03 | 5.25 |
| 6 | Money spent for patent medicines is worse than wasted..... | 7.02 | 5.27 |
| 7 | Tuberculosis has been known for centuries..... | 7.01 | 5.28 |
| 8 | Fresh air and sunshine destroy germs..... | 7.00 | 5.29 |
| 9 | America must conserve its food; do your part..... | 6.59 | 5.30 |
| 10 | Patent medicine consumption cures are worthless.. | 6.58 | 5.31 |
| 11 | Have your family physician give you a thorough examination once or twice each year..... | 6.57 | 5.32 |
| 12 | Abraham Lincoln born 1809..... | 6.56 | 5.33 |
| 13 | Dr. O. W. Holmes presented paper in Boston on contagious nature of (child) bed fever, 1843..... | 6.55 | 5.35 |
| 14 | Civilian health is the foundation upon which military efficiency rests..... | 6.54 | 5.36 |
| 15 | Autocracy is a close collector. Defeat it by buying Liberty Bonds..... | 6.53 | 5.37 |
| 16 | Refrain from excessive use of the arm after vaccination..... | 6.51 | 5.38 |
| 17 | Human beings are the great agencies in the spread of human diseases..... | 6.50 | 5.39 |
| 18 | Tuberculosis is not a hereditary disease..... | 6.49 | 5.40 |
| 19 | Births and deaths are important records, they should be reported to the local registrar..... | 6.47 | 5.41 |
| 20 | Smallpox vaccination is safe preventive against the disease..... | 6.46 | 5.42 |
| 21 | Wholesome food keeps the body resistance high... | 6.45 | 5.43 |
| 22 | George Washington's birthday..... | 6.43 | 5.45 |
| 23 | Careless spitting is criminal..... | 6.42 | 5.46 |
| 24 | Universal public health conservation is the duty of the nation..... | 6.41 | 5.47 |
| 25 | Do you sleep with your bedroom windows open?... | 6.39 | 5.48 |
| 26 | Report cases of contagious or infectious disease to local health officer..... | 6.38 | 5.49 |
| 27 | Tuberculosis is certainly preventable..... | 6.36 | 5.50 |
| 28 | "Gold that buys sanitation can never be ill spent" R. A. Z. | 6.35 | 5.51 |

**Protecting the Food Supply.** — No community can remain in a healthy condition unless its food supply is clean and wholesome. Federal, state and local agencies all unite to protect the food supply. The United States Government by the authority granted in the pure food law of 1906, prevents food products and drugs from being sold under misleading labels and prevents the use of harmful materials in foods. The Bureau of Animal Industry has the duty of

A WELL KEPT HERD.

inspecting meats transported from state to state and may prevent the sale of meat not fit for human consumption. The authority of the United States is limited to food stuffs passing from one state to another and so each state must see that food produced and sold within the state is wholesome. State laws and local regulations prevent the sale of bad eggs, bad meat and other dangerous food products.

Food to be wholesome must be protected from dirt and flies. Laws do not enforce themselves and so inspectors must be employed by the community to visit wholesale and retail stores in order to see that everything is as it should be.

Not only are the members of a community entitled to get foods which shall not endanger health, but they are entitled to receive that for which they pay. Oleomargarine is no doubt a safe food product, but it must not be sold as though it were butter. Cold storage eggs are all right in their place, but the purchaser is entitled to get fresh eggs when he asks for them and is willing to pay for them.

No food product needs more careful attention than milk. All milk offered for sale in a community should be thoroughly inspected by qualified experts, as milk may carry the germs of a number of diseases. The members of a community are entitled to know that their milk supply comes from clean healthy cows and that it is pure and wholesome when delivered to them.

**Sewage Disposal.** — The sewerage system of a city must be adequate to carry off the rain water and the refuse from houses and factories. No city can be a safe place in which to live unless its sewerage system is adequate and sanitary. Usually the sewage is discharged into a river or lake, if one is conveniently near. Such a course commonly is a menace to the health of the offending community or some other community. Some communities, following the best European practice, have erected sewage disposal plants, which enable a city to dispose of its sewage without becoming a nuisance or worse to its neighbors. The time is coming when no com-

munity will be allowed to pollute a lake or river with sewage.

**Disposal of Garbage.** — Garbage must be collected and removed daily in a large city. Garbage contains various materials that may be reclaimed and are valuable. European cities actually make money from their garbage. In America garbage is usually burned or thrown into a river, lake, or the ocean. Most of the objections which apply to dumping sewage in river or lake apply to such disposal of garbage. Even dumping it at sea, as New York does with part of its garbage, is objectionable as wind and tide wash part of it upon the neighboring beaches.

**Relation of other Departments to the Public Health.** — Other departments such as the park department and the department of water supply, both treated in another chapter, are closely connected with the health of a community, in fact most community activities have some relation to public health.

**Can a Community Lower Food Prices?** — Many urban communities have public markets to which producers of foods may bring their goods and sell directly to the consumer, the city charging rent for use of the stalls. In many small cities this has resulted in lowering the cost of farm products by eliminating the profits of the middleman, but in large cities public markets have seldom been of much importance in this respect. In some cities the public markets have been of real benefit; this is notably the case in Baltimore and Washington.

The parcels post affords an opportunity for the consumer

to deal directly with the producer and it is extensively used in some communities. Prices are not always reduced in this way, more often the exclusive benefit has been in securing fresher goods.

During the Great War members of many urban communities turned their back yards and vacant lots into vegetable gardens and the experiments were as a rule successful, both in furnishing a supply of fresh vegetables at slight cost and in benefiting the health of the workers. There is no doubt that the vacant lot and back yard vegetable garden will continue and will yield as good returns in peace as in war. It is surprising how large a crop of tomatoes, peas, beans, etc., a small back yard will produce when properly cultivated.

## QUESTIONS ON THE TEXT

1. Why must a community have good hospitals?
2. How may a community protect itself from epidemics?
3. What methods are used to ensure a community receiving safe food?
4. How should cities dispose of refuse and garbage?
5. Is there any relation between cheap wholesome food and the health of a community.

## QUESTIONS SUGGESTED BY THE TEXT

1. Would you prefer to be treated for smallpox at home or in a hospital? How about measles?
2. Can you remember an epidemic in your community? How was it treated? Were any mistakes made?
3. How does your community dispose of its sewage and garbage? Can you suggest any better means?
4. Does food cost too much in your community in reference to its price on the farm? Can its cost be lowered?
5. Give your own or a neighbor's experience with a garden.

## CHAPTER VII

### THE ECONOMIC LIFE OF A COMMUNITY

**Goods and their Utility.** — A *good* is any thing that satisfies a human want. It may be a material thing, such as an automobile, or it may be a personal service, such as that rendered by a surgeon. Some goods, such as air, sunshine, and water, are usually supplied by nature in such quantities that there is enough for all—such goods are *free goods*. Other goods are limited in quantity and usually require labor and machinery to produce them; these are *economic goods* and are often called *wealth*. The capacity of goods to supply a want is called *utility*.

**Production of Material Goods.** — It is hardly necessary to say that man cannot add to the amount of material in the world, but he may change its form and place. Factories change the form of material things so that they may satisfy our wants. A furniture factory does not add to the amount of lumber in existence, but it changes it into tables and chairs. This is the production of *form utility*. Railroads and other means of transportation give *place utility* by taking things where they are needed. Still another kind of utility is added by a merchant or by a storage house in keeping goods until they are wanted. This is *time utility*.

Ice covering the surface of a Maine lake in winter ordinarily has no utility, but cut into blocks, transported to Boston or New York, and delivered to the consumer, it has form, place and time utility.

**Production of Economic Goods.** — In the modern production of wealth there are three agencies always present, these are land, labor, and capital. By "land" we mean the surface of the earth and what can be obtained upon it as well as beneath it and the waters and what they contain. Land, therefore, furnishes raw materials of many sorts, gives room for the erection of buildings and for the movement of goods. Lands differ very much; some are worthless for agriculture, but valuable for ore, some are suitable for raising grapes but worthless for cotton, while some are good for commercial purposes. The economic life of a community depends upon the uses to which its lands may be put. Labor is also necessary and labor differs almost as widely as does land. Some men are good for certain lines of labor and some are more suited to other activities. Health, reliability, skill, education and many other qualities differ among laborers.

Capital consists, among other things, of machinery, buildings, and tools. Capital is that part of the product of land and labor which is not consumed in satisfying wants, but is used for the production of more goods.

Land, labor, and capital are all partners in the production of wealth and those who furnish these factors must share in the product.

**Labor Conditions.** — All persons who are taking part in industry are laborers, though such skilful operators as engineers, architects and inventors are not always so called. Labor conditions of very highly paid men are good because their services are always in demand and they can dictate conditions, but this is not true of many ordinary laborers. In the early days of the factory system no laws for the pro-

tection of laborers were made, but now every progressive community protects its laborers from bad conditions by state and local laws. Laborers are entitled to work in clean well-lighted and ventilated buildings, to have all reasonable safeguards from accident, and to a working day of reasonable length.

Factory buildings in Brooklyn, N. Y. Note provisions for air and light.

**Accidents and their Prevention.** — Laws exist to prevent accidents in factories. All belts and machinery which may catch the clothing of a workman are supposed to be protected by a safety device. Fire escapes are required by law. Special safety appliances are required on trains, such as air brakes, telescoping platforms, block signals and automatic couplers. In mines, cave-ins and injury by gas must be prevented and workers in other extra hazardous employment require more particular attention. With all the care that may be taken accidents will at times occur.

In most states there are now Workmen's Compensation Acts, which provide that a part of a workman's wages shall be paid while he is unable to work because of injury. In some states, like New York, most employers of labor must insure their workmen against accidents.

**Labor of Women.** — Women until recently have not been extensively engaged in factory work. Now in many factories there are more women employed than men. Many women have gone into factory work because of some unexpected calamity and they were obliged to take what was offered. This has usually been less than men received for similar work, but the women had to take what they could get. The lack of labor organizations among women also tended toward lower wages. It is pretty generally recognized that young girls should not do night work and that some kinds of work suitable for men are not suitable for women. In some communities laws restrict the employment of girls under eighteen years of age to daytime hours and in other communities employers will not employ girls for night work.

Much consideration of late has been given to a minimum wage for women. A minimum wage should not be the same throughout a state as $6 a week in a small village will buy more of most goods than will twice that amount in a large city.

**Child Labor.** — Child labor on a farm is doubtless good, within reasonable limits, for any child. Child labor in a city factory is unquestionably bad, yet many children are employed in factories. Not the entire blame is due to the selfishness of the employer who wants to substitute

cheap child labor for expensive adult labor. Part of the blame must be placed upon the shoulders of parents who are willing that their children should lose health, education, and the joy of youth. Even if the family is in dire need of the help that a child's wages will bring, the future of the child should not be sacrificed. Since some employers and some parents are selfish, there must be laws to protect children. No child should be permitted to work before reaching the age of fourteen and should be compelled to attend school until that age.

**Labor Organizations.** — Labor organizations have become an important element in most American industries. They offer educational, social, and economic advantages that have caused hundreds of thousands to join their ranks. Through *collective bargaining*, the laborers may act as a unit and so get better terms than they could without organization. There are two types of labor organizations in the United States. One of these is the American Federation of Labor, which has its headquarters in Washington, and local unions all over the United States. The American Federation of Labor is loyal to American institutions and makes no war on the wages system; it contents itself with striving to improve conditions and wages and to secure what its members consider a reasonable working day. The other type is represented by the Industrial Workers of the World, which does not accept the wages system but wishes it abolished and a socialistic organization substituted.

**Strikes and Lockouts.** — When labor cannot get what it desires the men may call a strike. This means a refusal

to work, with the hope of compelling the employers to come to terms. A strike is industrial war, harmful to capitalist, laborer and the public, and is never justified unless every other method of settlement has been tried and has failed. The strike is often accompanied by violence and when violence is used the strikers are sure to lose public sympathy. The better classes of labor leaders recognize that violence is an injury to their cause and do all they can to keep the men peaceable. Of course men have a legal right to refuse to work as a body, and may peaceably dissuade others from taking their jobs, but violence is illegal and harmful.

A *lockout* is a strike of employers against employees. In this case a factory is closed by its managers to forestall a strike or for some other reason.

**Conciliation and Arbitration.** — Instead of resorting to strikes, it is always wise to try to reach a peaceful agreement. An impartial board of arbitrators can usually reach an agreement between reasonable men. Since each side has so much to lose in a strike, all parties, the public included, will be benefited by arbitration. In New Zealand and Australia there is compulsory arbitration, but that would not be popular in the United States. The party to a dispute which fails to abide by the award of the arbitrators has already lost public sympathy by its course.

**The Eight-Hour Day.** — Union labor regards an eight-hour day as one of its principal demands. Already the eight-hour day is in force in most government work and in many private industries. No one questions that the workingman should have a reasonable amount of time

for his own use. He needs time for recreation, self-improvement, and social pleasures.

The advocates of the eight-hour day[1] advance among other arguments the following:

1. Long hours mean over-fatigue. Accidents and disease follow fatigue.

2. Long hours bring moral degeneration. After excessive labor the tired worker responds more readily to coarse pleasures and excitements.

3. A shorter day increases efficiency of labor and improves the output.

4. Shorter hours lead to continuity of employment. When no restrictions are placed upon hours of work in a seasonal industry the tendency is to concentrate the work in a brief season with long hours of overtime.

5. Shorter hours lead to better citizenship.

Opponents of a uniform eight-hour day say that laborers in some occupations should have a six-hour day because of unusual strain, such is the work of the engineer on a fast passenger train; others may work ten hours with no fatigue, as a motorman on a well equipped trolley. They also allege that the eight-hour day is often urged in order that men may be paid extra for overtime and that none of the arguments in its favor are valid.

**Welfare Work.** — Welfare work is defined by Dr. Alexander Fleisher, Supervisor of the Welfare Division of the Metropolitan Life Insurance Company, as: "That service given by employers to their employees beyond the requirements imposed by law or forced by employees, and in addi-

[1] See Brandeis "The Case for the Shorter Work Day."

tion to the conditions of employment prevalent in their community." The scope of this work covers:

1. Medical Work. This includes medical examination, rest rooms, washing and bathing facilities, home nursing, optical and dental care.

2. Savings and Insurance. This covers insurance against sickness, old age and accidents.

3. Profit Sharing. Whereby the laborer shares in the profits beyond a certain amount. Usually 8 per cent goes to the owner before labor receives any share and then laborers share in proportion to wages and term of service.

4. Recreation. Clubs, entertainments, dances, and concerts.

5. Education. Training for jobs and training in jobs. Training in citizenship, etc.

6. Care Outside of Working Hours. Housing of employees, recreation and care of families.

Not all employers can do even the majority of these things, but even a portion of them tends to good feeling and better production.

**Other Workers in a Community.** — Every community must have doctors, lawyers, dentists, teachers, ministers, priests and many others who render personal services. These are all workers even though their services are not of a material nature.

Every community has its newspapers and these are rendering a service of the greatest importance. No one is thoroughly an American who does not read some American paper and who does not want to keep informed in regard to what is going on in this great country as well as in foreign lands.

**Amusements.** — Theatres, lectures, and concerts are a part of community life. They are usually classed as amusements, but may be highly educational. A community which supports good plays and concerts is a good community in which to live. Bad plays and poor music are best combated by good plays and good music. Boston has reason to be proud of its Symphony Orchestra, as has New York reason for gratification in its Philharmonic and Pittsburgh and other cities in their orchestras. Good lecture courses such as those maintained by the Brooklyn Institute of Arts and Sciences, Columbia Institute of New York and similar institutions in other cities are an asset to any community. Small communities need not be without good music and theatres, though they cannot hope to rival the great cities.

## QUESTIONS ON THE TEXT

1. Define goods, free goods, economic goods and utility.
2. Show the services which are rendered by land, labor, and capital in the production of wealth.
3. Why do laborers need special laws for their protection? Why do women and children need more protection than men.
4. Give the difference between two types of labor organizations.
5. What are the advantages of labor organizations? Can you think of any disadvantages?
6. Give some examples of welfare work.

## QUESTIONS SUGGESTED BY THE TEXT

1. What are the leading industries of your community?
2. Are women and children employed in your community? What do they do? Are labor conditions good?
3. Give a history of some strike or other labor disturbance in your community.
4. What do labor unions do along educational and social lines?

5. Name some industries in your community in which an eight-hour day might not be so beneficial as in others. Show why not.

6. What opportunities to hear good music does your community afford? Give the names of some composers of good music and some of their compositions. How does good music differ from poor music?

7. What social and educational work is done by the churches of your community?

8. Why should lawyers, doctors, dentists and teachers in the public schools pass an examination before they can practice their profession while grocers and carpenters need take no examination?

PEACH ORCHARDS NEAR HECTOR, NEW YORK.

## CHAPTER VIII

### HOW COMMUNITIES MAY INCREASE THEIR CAPITAL AND LAND

**Saving versus Spending.** — Economists agree that saving and investment is the best way to deal with income in excess of that necessary for a well-ordered life. Through savings the community's supply of tools, machinery, buildings and other forms of capital are increased and there is consequently more employment for labor. Savings also may be used to make the family prepared for a time when earnings may cease or become too small to meet current expenses.

Wise spending for social purposes has its merits however, and the most useful member of a community is often the one who devotes a portion of his income to causes which will benefit others.

Not the least among the benefits of the World War was that millions of people bought Liberty Bonds, who had never saved much before, and in this way laid the foundations of the habit of saving. Perhaps even more important was the fact that the great war charities were liberally supported by our people who showed that they were not living wholly for themselves. A person who spends all for himself, or saves all for himself, is never getting so much out of life as the one who sacrifices something for others.

**Banks as Depositaries for Savings.** — We have in America many kinds of banks. National banks are

those organized under the National Banking Act and are members of the Federal Reserve System.[1] These are subject to the regulations prescribed by the national government and are inspected by its agents. State banks are organized in accordance with state laws and are inspected by agents of the state banking department. There are also trust companies. Trust companies usually do a banking business and in addition may manage the property of other persons. It is very common for a trust company to be named in a will and it is the duty of the trust company to dispose of the property as the testator has provided. Savings banks are also organized under state laws, they are often called " the peoples' banks " as most of their deposits are in small amounts. The Post Office Department has a postal savings bank, which is a favorite place for depositing savings by many people. It will be seen that there is no lack of places where money may be left, and many of these banks pay the depositor for being permitted to keep their funds. It is always wiser to put money in a bank than to keep it around the house. It is not only safer, but the bank puts it to work.

**How Banks Help Business.** — Banks receive large sums of money from depositors and loan part of these sums as well as the banks' money to responsible persons on adequate security. Most of the money loaned by banks goes to help business, without banks business men could never get the funds they need. Experience has shown that it is unnecessary for a bank to keep in its vaults more than 15 to 25 per cent of its deposits. The rest may be loaned to responsible borrowers.

[1] Described in a later chapter.

Among the other services which banks render is the discounting of notes whereby the bank pays the present value of a note to its owner who has present use for the money.

**Increasing the Land of a Community.** — It is true that the area of the earth's surface cannot be increased by man, but the useful area can be increased. The man who drains a swamp or makes fertile a barren field increases the available land. Land as well as capital employs labor and the more good land we have the more are the opportunities for labor and capital.

Much of the land in many of our cities has been reclaimed from worthless land. Rocky lots in upper Manhattan have been leveled and are now covered with apartment houses and the famous Back Bay district of Boston was reclaimed by filling in swampy places. Many cities have reclaimed many acres from bordering lakes and rivers. Chicago has made a new lake front, and in Brooklyn large areas along the bay have been filled in and made useful.

Through the Reclamation Service of the Department of the Interior vast dams have been constructed and water has been taken to lands which had been worthless, but which are now among the most fertile in the world. The Imperial Valley of California is now one of the garden spots of America; before the national government brought the water of the Colorado River to this valley it was a desert waste. Thousands of acres have been reclaimed in Arizona, Wyoming and New Mexico by the agency of the Reclamation Service. Those who use the water pay the government, but this does not begin to pay for the expense that the government has incurred. The people benefit in increased production of necessities of life.

Closely akin to reclamation, is scientific farming which makes it possible to make full use of land formerly little used or neglected. "Dry farming" in Western Kansas and other places has made it possible to grow good crops of wheat and corn, on land that was once of little use. "Dry farming" is really not dry as it rains at times in regions where dry farming is practiced and there is a good fall of snow in the winter. Deep plowing with intensive harrowing of the soil is all there is to dry farming, but it keeps the moisture in the soil and crops will grow which with other methods would wither.

**Conservation.** — Reclamation is adding to our supplies; conservation is keeping what we have to the best of our ability. This applies to our rivers, our forests, our mines and all our resources. During the Great War we learned something about conservation of food; now we must as individuals, as communities, as states, and a nation devote ourselves to conservation of our resources.

It might seem at first that the individual could do little and it is true that most conservation must be done by large units, but thousands of tons of coal have been wasted by carelessness or ignorance of individuals, much valuable animal life needlessly destroyed, and thousands of acres of wooded land denuded of trees by fires left burning by campers or by lighted cigars thrown among dry leaves.

The destruction of American forests by cutting off all the trees and by allowing fires to spread has been little short of a calamity. Not only have valuable forests been harmed and sometimes destroyed, but the fertile soil has been washed into rivers, clogging their channels and causing them to overflow their banks at each spring freshet. For-

tunately both national and state governments are now devoting their attention to saving the forests which we have and to reforest land which is not suitable to other uses.

Over 180,000,000 acres, chiefly in the West, have been reserved by the National Government for forest preserves and a force of men is employed to keep the forests in good condition and protect them from fires. The trees from these forests are cut as they grow to maturity and new growths are constantly added. In time the government will receive a large revenue and the forests will remain.

Many states, notably New York and Pennsylvania have extensive forest preserves as described elsewhere in this volume.

**Other Conservation Matters.**— The protection of streams and rivers, conservation of fish, wild fowl, coal, petroleum and many other resources demands increasing attention. A good American practices conservation and co-operates with all wise efforts made by the community with this end in view.

## QUESTIONS ON THE TEXT

1. What are the social and individual benefits of saving?
2. When is it better to spend than to save?
3. What are the services of banks in promoting business?
4. How may the land of a community be increased without adding to the area of the community?
5. Compare Reclamation and Conservation.

## QUESTIONS SUGGESTED BY THE TEXT

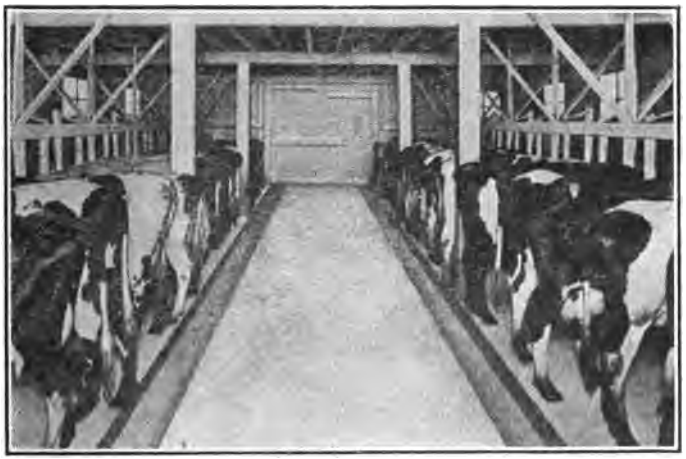
1. What agencies for saving are there in your community? What is a Building and Loan Association? Describe the operation of one in your community.

2. Get a condensed statement of some bank in your community and find what each of the items enumerated means.

3. Has any land in your community been reclaimed? What further opportunities for reclamation exist?

4. Has any destruction of natural resources on a large scale existed in your community? How would you prevent future losses?

5. Show how some animal life that once existed in, or near your community has ceased to exist. Was its destruction useful or otherwise to the community?



INTERIOR OF A MODEL COW BARN.

## CHAPTER IX

### THE COMMUNITY IN RELATION TO ITS DEPENDENTS, DEFECTIVES AND DELINQUENTS

**Who are Dependents, Defectives. and Delinquents?**— Dependents are those who cannot or will not make their own living. Defectives are those who are lacking in some essential such as sight, hearing, or mental capacity. Some very splendid and useful citizens are defective in some particular, but get along very well despite their handicap; others can do little or nothing for themselves.

Delinquents are those who fail to keep the laws. They vary all the way from a boy who plays truant from school to the hardened criminal.

**Dependents.** — Many of the people of every large community and some in most small communities are so poor that a small misfortune may make them temporary or permanent dependents. In his book, "How the other Half Lives," Mr. Jacob Riis has given a truthful and startling picture of the condition of the poor in some of the tenement districts of New York City. Sometimes dependency is the result of drunkeness, shiftlessness, or other fault of the dependent. At other times it is the result of the death of the breadwinner, accident, or disease and the dependent is not at fault. No community can afford to

neglect its dependents, but it must treat each as the particular case demands. Certainly the drunkard must not be given money to get more drink nor must the improvident think he can live at the expense of the community.

Aid to dependents is given by both public and private agencies, but should never be given except after investigation. There have been cases of an applicant for assistance deriving aid from several sources and getting, without work, a better income than an honest workingman. A Charity Organization should exist in every community, which keeps records of dependents and sees that none but the worthy receive assistance and to whom applicants to private persons for aid may be referred and from whom other organizations may receive information.

Public charges may be supported in institutions, or may receive aid in their own homes especially if they can in part support themselves.

Compulsory insurance against accident, disease, and old age, such as has long been in vogue in England and some other European countries, helps to reduce the number of dependents. Several American states are now introducing such plans of insurance, especially insurance against accidents. New York obliges every factory to insure its workingmen against accidents either in a private company or through a state agency created for that purpose.

**Defectives.** — Many defectives are amply able to take care of themselves; indeed some of the most talented musicians, artists, authors, and leaders in other lines have been physically defective. Helen Keller, born deaf and dumb, has made a national reputation for herself and per-

haps none of us is ignorant of some defectives in our own community who are among the most useful of citizens.

The deaf, dumb and blind can all be taught to take care of themselves and most of them to make a living. The deaf usually can take care of themselves, but the dumb and blind as a rule need attention in schools especially equipped for that purpose. Such schools are provided in most large cities and in all of the states.

The insane and feeble minded should be cared for in institutions of which many, both public and private, exist. Some of the insane can be restored to health and useful positions in society; many cases are hopeless so far as medical science now is concerned. In any case the insane and feeble minded are better cared for in an institution than in a private home.

**The Care of Delinquents.** — Every community unfortunately has its criminal classes. Some are habitual criminals and some have fallen into crime because of a special chance or temptation. Society must keep its habitual criminals in detention and the first offender must pay the penalty, not because the community desires vengeance, but because offenders must learn that wrongdoing does not pay and that the community may be protected. Except for the most serious crimes, in which case the penalty is death or life imprisonment, every effort is made to bring about a reform, so that a released prisoner may become a useful member of the community. In all well-regulated prisons, trades are taught and classes are conducted for the inmates. The old prisons, with their dark, unwholesome cells and their solitary confinement are being replaced by modern structures, which aim to turn

out the men better than when they entered, though the men may not enjoy the process.

A city is no place for a prison, though there must be a jail for short time detentions. A prison should be located in the country, with few if any houses near. Here a healthy environment and abundance of work, part of it under the open sky, may make a new man of the inmate.

It is now quite common for the law to prescribe indeterminate sentences for first offenders. Thus a sentence may be given of from three to six years. If the prisoner conducts himself well, he may be released at the end of three years, otherwise he must remain for the full six years. Sometimes prisoners are released at the end of the minimum term on *parole*, which means that they must report to a court officer at frequent intervals and if they abuse their opportunity they must be returned to prison to serve the full term.

**Juvenile Reformatories.** — Formerly old and young, male and female were sent to the same prison. Now there are different prisons for different classes of offenders. The old prison was often a high school in crime for the young offender who came in contact with the hardened criminal. All states now have reformatories where young prisoners are sent. Here work, school, and play are all used to make them into better citizens. The Reformatory at Elmira, New York, and the Reformatory at Huntington, Pennsylvania, are among the best of their kind in the world.

## QUESTIONS ON THE TEXT

1. Show the difference between Defectives, Dependents, and Delinquents.

2. What are the usual causes of poverty?
3. How should defectives be treated by the community?
4. How do modern prisons differ from old-fashioned ones?
5. What are the advantages of the indeterminate sentence?

## QUESTIONS SUGGESTED BY THE TEXT

1. Are men lazy, vicious, and drunken because of bad conditions or are bad home conditions the result of lazy, vicious and drunken men?

2. Why should prisons be in the country? Is a prison an attraction to a community?

3. Can you give an instance of a person seeking alms who was an impostor?

4. Will better education diminish crime? What criminals are educated?

5. Give an account of some of the agencies at work in your community to relieve poverty.

6. Give an account of a visit to some charitable or penal institution.

THE CROTON RESERVOIR WHERE WATER IS STORED FOR USE IN NEW YORK CITY.

## CHAPTER X

### STATE GOVERNMENTS

**Colonial Government.** — When the War of the Revolution began there were among the English colonies three distinct kinds of colonial government. These may be named by the manner in which the governor was chosen, as royal, proprietary, and democratic (or republican). A governor appointed by the king was the chief executive officer in royal colonies, of which there were eight at the time of the War of the Revolution. Proprietary colonies were the results of large grants of land which the kings of England had for various reasons given to certain individuals. With these grants was often given authority to organize civil governments. The proprietor in such cases had the power of appointing and removing the governor. He might also veto any of the governor's acts as well as those of the legislature, which the governor was authorized to call. New York, New Jersey, Pennsylvania, and Delaware, the Carolinas, and Maryland were originally proprietary colonies; Pennsylvania, Delaware and Maryland were still proprietary colonies at the time of the war. Republican[1] colonies had charters granted by the king, in which a large

[1] These colonies are usually called charter colonies, which is inexact, as proprietary colonies also had charters. Massachusetts, originally republican, had a charter which placed her in a better position than other royal colonies.

See Fiske's "Civil Government," p. 160.

measure of self-government was given them. In such colonies one of the chief privileges was the selection of the governor. Connecticut and Rhode Island were the only republican colonies at the time of the war.

**Colonial Legislatures.** — In all of the colonies there were legislatures which ordinarily had control over the local affairs of the colony. This control was exercised either according to the terms of the charter or without any formal authority from England. The legislative assemblies consisted of two chambers, except in Pennsylvania, where there was but one chamber. The lower chamber was elected by the people, or rather by the minority of the people, to whom the privilege of voting had been given. The governor's council, originally an advisory body, had come to have legislative power and acted as an upper chamber in every state except Pennsylvania. Members of the governor's council were elected by the people, appointed by the king or proprietor, or chosen by the retiring legislature.

**Origin of State Governments.** — The war separated the colonies from England and made it necessary to make some changes in the form of government. As early as May 15, 1776, Congress suggested to the former colonies that they should organize as state governments, which most of them speedily did either by act of legislature or by a meeting called for that purpose. Most of the states found it desirable to adopt new constitutions, but Connecticut and Rhode Island, which had been practically independent republics, were content to govern themselves under the

terms of their colonial charters until well into the nineteenth century.[1]

**Early State Constitutions.** — The new state constitutions were based upon the colonial charters. The governor was still the chief executive, but now was elected by the voters or by the state legislature. The upper house of the legislature became known as the senate and was made up of members elected either by the people or by the lower house. Each state claimed to be sovereign. The Articles of Confederation (1781-1788) left the states sovereign, but by the adoption of the present Constitution of the United States they gave up many of the rights of sovereignty.

**Present State Constitutions.** — All the states, except Massachusetts, have adopted their present state constitutions since the Constitution of the United States went into effect. The new constitutions were modeled to a large extent upon the Constitution of the United States, and changes in that document have generally been followed by changes in the state constitutions.

There are three main divisions in the state constitutions:

1. *A Bill of Rights*, which consists of a statement of fundamental rights and privileges of inhabitants of the state

2. *An outline of the government*, in which provision is made for executive, legislative, and judicial departments.

3. *Miscellaneous provisions* in regard to the militia, corporations, public lands, taxation, education, and methods of amending the constitution. Many provisions are put in state constitutions which belong properly to leg-

[1] Connecticut adopted a new constitution in 1818, Rhode Island in 1842.

islation, but which have been put in the constitution in order to make it difficult, if not impossible, to change them.

**Written Constitutions.** — The first written constitution in America, if not in the world, was created in an assembly of the towns of Hartford, Windsor, and Wethersfield, which was held in Hartford on January 14, 1639. This was a real constitution, as it clearly described the nature of the proposed government. The famous document was called the "Fundamental Orders of Connecticut." When Charles II granted a charter to Connecticut he merely gave recognition to the Fundamental Orders.

In the colonial charters we find the beginnings of written constitutions in America. Under them the people became accustomed to government according to the provisions of a written document. Oftentimes questions arose as to whether the colonial legislature had not gone beyond its authority. Such questions were settled before the courts of law, and a decision against the act of the legislature made the act null and void. The provisions of our state and national constitutions, following the suggestion of the colonial charters, give the courts authority to pass upon the constitutionality of legislative acts. In countries with unwritten constitutions there is no such control of legislative bodies.

The great advantage of written over unwritten constitutions is in the prevention of radical and hasty legislation, which is really a protection of the minority against the majority. But this does not make the courts superior to the people; no believer in popular government could desire such a thing. It is a check "in the way of the people's

whim, but not their will,"[1] No measure sincerely desired by the majority of the people can long be resisted. The legislative and executive bodies may change the policy of the court by creating additional judges, or the constitution may be amended, and thus the people's will may become effective.

**Amendment of State Constitutions.** — Two methods of amending state constitutions exist. One method is to have the proposed amendment introduced in the state legislature, where it is obliged to receive a three-fifths or two-thirds majority. Some states make its passage through the legislature even more difficult by requiring that it shall pass in two successive legislatures. After passing the legislature, the amendment must be submitted to the people for ratification or rejection.

The other method of amendment is by a convention. Usually state constitutions provide that a constitutional convention shall be called when two-thirds of the legislature demand it, though in some states the legislature is required at regular intervals to submit to the people the question of holding a convention. Members of the convention are chosen by the voters at a special election. The work of a constitutional convention is usually submitted to the people for ratification or rejection. Recently, constitutional conventions in some of the southern states have declared new constitutions in force without submitting them to the people, because they knew that the qualified voters under the old constitution would reject the new document.

[1] James Russell Lowell, "Democracy and Other Addresses," p. 24. See also Tiedman's "Unwritten Constitution," p. 164.

**The Importance of State Governments.** — State governments occupy a very important place in the American system of government. The United States Government has the highest of governmental functions, but the state governments possess the most, and these include duties which affect the everyday life of the citizen. "An American may, through a long life, never be reminded of the Federal Government, except when he votes at presidential and congressional elections, buys a package of tobacco bearing the governmental stamp, lodges a complaint against the post office, and opens his trunk for a custom-house officer on a pier at New York when he returns from a tour of Europe. His direct taxes are paid to officials acting under state laws. The state or local authority constituted by state statutes registers his birth, appoints his guardian, pays for his schooling, gives him a share in the estate of his father deceased, licenses him when he enters a trade, marries him, divorces him, entertains civil actions against him, declares him a bankrupt,[1] and hangs him for murder. The police that guards his house, the local boards that look after the poor, control highways, impose water rates, manage schools — all these derive their legal powers from the state alone."[2]

In the division of powers between state and nation, certain matters of national interest were given to the nation; all other powers belong to the states. "He who asserts the power of a state legislature to pass an act or establish an institution has not to prove it; but he who denies the

[1] Written prior to the passage of the United States bankruptcy acts.

[2] Bryce, "American Commonwealth," pp. 425, 426.

power must cite some clause of the Constitution forbidding it."[1]

**The Bill of Rights.** — The bills of rights in the constitutions of the original states were adopted when the fear of governmental oppression was strong. Later constitutions have included bills of rights with such changes as circumstances might suggest. The principles of the bills of rights are not new; they are the common heritage from Magna Charta, the Habeas Corpus Act, and the Bill of Rights of England.

Among the expressed or implied provisions of a state bill of rights the following are commonly found:

1. Freedom of the press and speech shall not be denied. The abuse of this freedom, such as incendiary speech that tends to arouse rebellion and abusive and indecent language, is punishable.

2. Religious liberty is guaranteed. Persons are not to be interfered with for worshiping according to the dictates of their own consciences. However, they may not commit a crime under the plea of religion; religious freedom does not legalize polygamy, or any other crime. Religious opinion shall not debar from any political offices, though some of the older states make belief in God requisite for holding some state offices. There shall be no union of state and church.

3. Private property shall not be taken for public use without just payment.

4. No bill of attainder or *ex post facto* (after the act) law shall be passed. A bill of attainder is a legislative act whereby a person may be condemned without trial. An

[1] Woodburn, "American Republic," p. 344.

*ex post facto* law is one which makes an offence committed before the passage of the act punishable in accordance with the provisions of the act.

5. The writ of *habeas corpus* (you may have the body) shall not be denied unless in case of rebellion or invasion. This writ may be secured in behalf of the prisoner. It is directed to the person responsible for the detention of the prisoner, and commands him to produce the prisoner at a stated place and time for examination. This important writ prevents imprisonment without trial.

6. Trial by jury is guaranteed to persons accused of crime, and may be demanded in certain civil cases.

7. Certain rights are secured to persons accused of crime. No person accused of crime may be compelled to testify against himself; excessive bail shall not be required; no cruel or unusual punishment shall be inflicted.

## QUESTIONS ON THE TEXT

1. Describe three kinds of colonial government, and state under what variety each of the thirteen colonies was at the time of the Revolutionary War.

2. Give an account of the origin and power of the colonial legislatures.

3. What changes were made in government when the colonies became states?

4. Compare the advantages of written and unwritten constitutions.

5. Describe two ways in which a state constitution may be amended.

6. Show the importance of the functions assigned to state governments.

7. What are the usual contents of a state bill of rights?

8. Define a bill of attainder, *ex post facto* law, and writ of *habeas corpus*.

## QUESTIONS SUGGESTED BY THE TEXT

1. When was the present constitution of your state adopted? When was it amended?

2. The Constitution of the United States gives power to the Supreme Court to pass upon the constitutionality of a law; this is generally regarded as an original provision of our national Constitution. Do you find anything similar to this in colonial experience?

3. Of what value is a bill of rights?

4. Consult a good history of England on Habeas Corpus Act, Magna Charta, and Bill of Rights. Of what importance are these English acts to us?

5. Why may it be necessary to suspend the writ of *habeas corpus* during war?

## CHAPTER XI

### STATE GOVERNMENTS (Continued)

**The Executive Department.** — The governor is the chief executive of the state. His position is one of great responsibility and dignity, notwithstanding the fact that a majority of the minor state executive officers are elected by the people and are therefore responsible to the people rather than to the governor. Though primarily an executive officer, the governor performs judicial functions when he pardons a criminal, and legislative functions when he vetoes a bill. The duties of a governor may be classified as follows:

1. At the beginning of each season of the legislature, and at any other time when he thinks it necessary, the governor sends a message to the legislature. This message describes the condition of the state and recommends any legislation which the governor thinks desirable.

2. He may call special sessions of the legislature.

3. In all but three[1] states he may veto a bill.

4. He has the power to appoint a number of the less important state officials; often this must be done subject to the approval of the senate.

5. The governor is commander-in-chief of the state militia. In case the local authorities are unable to enforce law and order, they may appeal to the governor for troops.

[1] Rhode Island, North Carolina, and Ohio.

STATE HOUSE AT ST. PAUL, MINNESOTA

Such an appeal is generally made by the sheriff of the county in which the disorder occurs.

6. In most states the governor has power to pardon criminals and change sentences. On account of the burden that this power places upon the governor, and to insure more careful examination into the facts, in many states the pardoning power has been placed in the hands of a board of pardons of which the governor is often a member.

**The Term of the Governor.** — In twenty-two states the governor is elected for a term of two years; in twenty-four states, for a term of four years; one state elects her governor for three years, and one state for one year.[1]

**Qualifications of a Governor.** — State constitutions differ widely in their qualifications for governors. Maine requires that the governor shall be a native-born citizen; New Jersey and Mississippi require their governors to have been citizens of the United States for not less than twenty years; Minnesota requires her governor to have resided in the state for at least one year. The usual requirements are that the governor shall have been a resident of the state for at least five years, a citizen of the United States for an equal period, and that he shall be not less than thirty years of age.

**Salaries of Governors.** — Salaries of governors vary widely. Illinois pays her governor $12,000 a year; five states, including New York, New Jersey, and Pennsylvania,

[1] Massachusetts is the only state which elects a governor for a one-year term; New Jersey has a three-year term; New York, a two-year term; Pennsylvania, a four-year term.

pay $10,000; Nebraska pays the lowest salaries to its governor, the amount being $2,500.

**Other Executive Officers.** — A lieutenant-governor, whose qualifications and term of office are the same as those of the governor, is elected in most of the states. The lieutenant-governor acts as governor in case of the governor's chair becoming vacant during his term of office; ordinarily his only duty is to preside in the senate.

A secretary of state keeps the official records of the executive and legislative departments and has charge of election returns. An attorney-general represents the state in cases which it may have before the courts, and acts as legal adviser to the state officers in their official capacity. Other state officials whose names indicate their duties are treasurer, auditor, surveyor-general, and superintendent of public works.

**State Administrative Boards.** — In every state of the American Union important duties are given to single commissioners or a board of commissioners. Boards of inspection and supervision exercise great authority over state property, local governmental institutions, and many important lines of business which have a somewhat public nature, such as the railroad and insurance business. Recently state activity of this nature has been much increased, but it has tended rather to harmonize government throughout the state than seriously to interfere with local government.

**The State and Education.** — The educational system of each state is determined by the state school law. The school law states what subjects must be taught, the mini-

mum number of months which shall make up the school year, the method of selecting teachers, and whether the district, township, or county shall be the unit for school management. In many states the school law provides that the text books shall be furnished at public expense. Financial assistance is commonly given by the state to local schools, subject often to certain conditions. In Pennsylvania, for example, no district which pays teachers less than $35.00 a month shall receive state aid.

At the head of the state educational system is usually a superintendent, with whom is often associated a board of education; in some states there is a board of education (or regents) but no superintendent.

These officials in some states are elected by the people or by the legislature, in others they are appointed by the governor. General supervision over the state schools, except city schools with their own superintendents, is exercised by the superintendent or board of education.

The state does not confine its attention to supervision of local schools, but directly maintains normal schools for the training of persons who desire to devote themselves to the profession of teaching. Most of the states, especially in the South and West, maintain state universities which are in every respect equal to the best in the country. Tuition is generally free to students who are residents of the state, though a small fee is charged. Schools for the scientific study of agriculture, sometimes connected with the state universities, exist in most states.

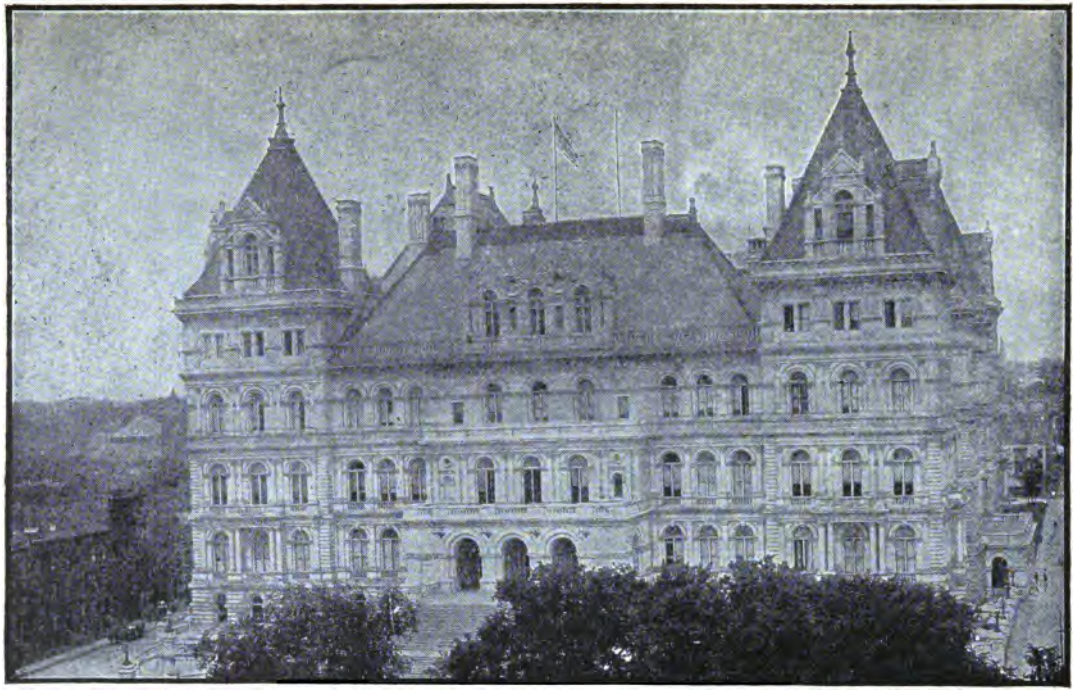
In New York State, a magnificent education building of the state school department has recently been erected. In it are offices for the state commissioner of education and his assistants, for the board of regents, the state

NEW YORK STATE EDUCATION BUILDING AT ALBANY

examinations board, and the school library department of New York State. The State Museum is on the fourth floor, and a splendid auditorium, beginning in the basement, occupies two stories. This building is the first of its kind in any state.

**Railroad Commissions.** — Commerce within a state is entirely under the jurisdiction of the state authorities. A board of railroad commissioners exists in most states, whose duties are to protect individuals and corporations against injustice, and to see that the state laws are obeyed by the railroad corporations. While railroad abuses have not disappeared, conditions have certainly improved since the establishment of these commissions.

**Public Service Commissions.** — In many states the railroad commissions have been abolished and in their place public service commissions have been established. These commissions have oversight not only of railroads within the state, but of street railroads, gas, and electric service companies, telephone companies, etc. Any person who considers that a public service corporation is not giving him satisfactory service may complain to the commission, and if, on investigation, the complaint is found to be a just one, the commission may order the company to improve the service and even to reduce rates. New York State has two public service commissions; that of the First District, which includes all of the city of New York, and that of the Second District, which includes the rest of the state. Each commission has jurisdiction over railroads and street railroads operating exclusively within its district, and over the manufacture, sale, and distribution of gas and electricity in



NEW YORK STATE CAPITOL BUILDING, ALBANY, N. Y

the district. In addition to its other duties, the commission of the Second District has supervision over all the telegraph and telephone companies throughout the state. How valuable is the service given without cost to citizens by the public service commission may be seen from its annual reports. An examination of the work of the public service commissioners of New York State shows cases in which they have ordered an increased number of cars to be operated on street and elevated railroads, new stations to be established, telephone connections to be made after the telephone company had refused to make them, gas meters tested to see if they were running too fast, and many other cases of a like nature.[1] There are five commissioners in each district and in order that qualified men may be secured, who can give undivided attention to the important duties of their office, the state pays each commissioner an annual salary of $15,000.

**Public Charities and Corrections.** — Most states assign to a single board, or to several boards, supervision over charitable and penal institutions within the state. States usually maintain institutions for defective classes, which include schools for the deaf and dumb, schools for the blind, institutions for the feeble-minded, and asylums for the insane. Experience has amply proven that these unfortunate classes are better cared for in state than in county institutions, unless the county be a very populous and wealthy one. The proper care of the defective classes demands resources beyond the ability of most counties.

[1] The office of the public service commission of the First District is 49 Lafayette Street, New York City; the office of the public service commission of the Second District is in the Capitol at Albany.

State penal institutions consist of state prisons and reformatories. Mature persons convicted of serious crimes are sent to the state prison, less serious offenders being confined in city and county institutions. Various industries are carried on within the walls of the prison, as work is necessary for the physical and mental welfare of prisoners as well as other persons. Industrial occupations in the prisons not only enable the prisoners to be in a measure self-supporting and give the men needful occupation, but often teach them the only honest trade they ever knew.

Juvenile offenders are sentenced to reformatories. Classes in all common branches are maintained within each reformatory, and each inmate is obliged to learn some trade. The "indeterminate sentence," whereby the judge names a maximum and minimum term, is usually employed by judges in sentencing juvenile offenders. When within the institution the prisoner soon learns that he can escape the maximum term only by good conduct, application to his studies, and careful attention to his trade. Prisoners are seldom unconditionally released after serving a term in a reformatory; they are "paroled." A paroled prisoner leaves the institution, but must make regular reports to the authorities for a definite time before his discharge is made permanent.

**Other Administrative Boards.** — Factory inspectors are appointed to see that the state laws in regard to labor conditions are enforced. Labor laws require that factories shall be sanitary and that machinery shall be so protected as to avoid as much as possible the danger of injury to employees. The maximum hours at which women and children may be employed are fixed by law in most states,

as well as the age at which children may be employed. These laws are in the interest of the individuals as well as for the public welfare. Especially is it true that children under fourteen years of age should not be employed in factories and stores because such work interferes with the development of their bodies, and they need the school for the development of their minds. A good child labor law should include the following: exclusion of children below the age of fourteen from all labor in factories and stores, at the same time requiring their attendance at school; regulation of the labor of children between the ages of fourteen and twenty-one, in their own interest and that of the public; prohibition of all night labor for children under sixteen years of age.

Permission to practise certain professions is subject to approval by a state board. These professions are of such a nature that most persons are not competent to judge the ability of the applicant, and it is therefore to the advantage of the public that an able body of men should decide upon the merits of candidates for permission to practise these professions. In all the states there are boards which give certificates to persons whom they think competent to practise medicine, dentistry, and pharmacy.

Many other state boards are in existence, the most common of which are fish and game commissioners, forestry commissioners, mine inspectors, and boards of health.

**State Legislative Department.** — Each state has a legislative body elected by the people. This body is generally called the legislature, but in New Hampshire and Massachusetts the colonial name of "general court" is still kept. In all the states the legislature consists of two chambers.

The upper chamber is everywhere known as the senate; the lower chamber is usually known as the assembly, less often as the house of representatives, and in a few states as the house of delegates. There are fewer members of the senate than of the lower house, and often it is made a more permanent body by providing that half of the membership shall retire at a time. Not infrequently the qualifications for senators are higher than for members of the lower house.

The presiding officer of the senate is in most states the lieutenant-governor; the lower house elects its own presiding officer, generally known as the speaker.

For the purpose of electing members of the legislature, the state is divided into election districts, senatorial districts being larger than representative (or assembly) districts.

Most states give each county, regardless of population, at least one representative in the upper house, and in some of the New England states where the town is the unit of representation, small towns send almost as many representatives to the lower house as do the large towns. As a rule, representation is based on population, and districts, or the number of representatives of a district, change as population changes. A written or unwritten law generally requires that a member must live within the district which sends him to the legislature. The usual term for members of the senate is four years; members of the lower house generally serve two years. In New York members of the lower house, called assembly, are elected for terms of one year; members of the senate for terms of two years.

Legislative sessions are as a rule held biennially. In Massachusetts, Rhode Island, New York, New Jersey, South Carolina, and Georgia sessions are held every year. Mem-

bers of the legislature are paid either an annual salary or a sum for each day of service. In New York the salary of a member of the legislature is $1,500 a year; in Maine $300 is regarded as a sufficient salary. Rhode Island pays her legislators $5.00 a day, during the sessions of the legislature.

**Process of Legislation.** — The introduction of a bill is the first step in legislation. A bill, which must concern itself with but one subject, may be introduced by any member of either house. The clerk reads the bill, often only by title, after which it is commonly referred to an appropriate committee.[1]

The committee considers the bill and often changes its form. Often committees have public hearings, and in some states must hold such hearings if they are demanded. The committee may refuse to report the bill at all, in which case the bill is "killed in committee."[2] A bill must pass three readings on different days, though in emergencies a large majority may suspend this rule, and all readings may be passed in one day. Having passed one house, the bill is signed by the presiding officer and is sent to the other house, where it must go through a similar course. Not infrequently deadlocks result on account of the two houses being unable to agree, in which case the bill may be referred to a committee made up of members of both chambers, which usually recommends a compromise. After having passed both houses, the bill goes to the governor for his signature. If he does not approve, he may veto[3]

[1] Each house has committees on all subjects of legislation.

[2] In Massachusetts legislative committees are required to report all bills, either favorably or unfavorably.

[3] Except in Rhode Island, Ohio, and North Carolina.

the bill by returning it to the house in which it originated with a statement of the reasons for his disapproval. In most cases the bill must receive a two-thirds vote in order to be "passed over the veto" of a governor.

A usual provision is that if any bill shall not be returned by the governor within ten days (Sundays excepted), the same shall become a law in like manner as if he had signed it, unless the legislature by adjournment prevents the return, in which case it shall not be a law without the approval of the governor.

After final adjournment no bill may become a law unless approved by the governor within thirty days after such adjournment.

**Initiative and Referendum.** — From the beginning of the present government of the United States, it has been customary to submit constitutions and constitutional amendments to the people for ratification or rejection. The failure of legislatures to act in accordance with the will of the people has led to a demand for the submission to popular vote of statutes on all important subjects. This plan is called the *referendum*. In many states debts may not be incurred without approval by the people, city charters are often submitted to the people of the city concerned, and in many states, under local laws, the question of selling liquors is referred to the voters of each locality. In Switzerland, the home of the referendum, the legislature is obliged to submit any statute, which it has recently passed, to popular vote on request of a certain number of citizens. A few American states have followed this plan. The constitution of South Dakota provides that one-twentieth of the voters may by petition require the sub-

mission to the people of any recently passed statutes. Nebraska gives one-fifteenth of the voters the power to demand a referendum, and in California and Iowa a referendum may be demanded on local questions.

Associated with the referendum is the *initiative*, a plan which provides that on the petition of a certain number of voters the legislature must submit a bill to popular vote. This system is also of Swiss origin and has been introduced into the state governments of South Dakota, Utah, Oregon, Montana, Oklahoma, Missouri, Maine, Arkansas, and Colorado. In several other states amendments making provision in the constitution for the initiative are still under discussion. On local questions the initiative and referendum have extensive application in the United States. For example: in Florida one-fourth of the voters of any county may require the submission to the people of the question of prohibition of the sale of intoxicating liquors; in Georgia fifty freeholders of any county may require a vote to determine whether live stock shall be allowed to run at large; fifty or more electors of any county in California may require the supervisors to submit to the people the question of establishing a county high school.

The referendum and initiative are well suited to the decision of questions which can be settled by a simple affirmative or negative vote, and upon which the people possess an intelligent opinion. For local purposes the referendum and initiative have distinct advantages and will doubtless receive a wider recognition.

**The Recall.** — By the recall is meant the legal retirement of an elected officer before the expiration of his term of office, if he has forfeited public confidence. The constitu-

tions of states having the recall require that the question of the continuance in office of a public official must be submitted to the people on application of a certain number of voters. Oregon adopted the recall in 1908, California in 1911, and a number of Western states in 1912. The principal objection to the recall is its application to judges, as it is claimed that judges should not be subject to removal on account of public clamor; on this ground President Taft vetoed a bill admitting Arizona to the Union with a constitution which included a recall extending even to judges. In a number of cities under the commission form of government the recall of a commissioner must be submitted to the people on petition of one-fourth of the voters.

**Limitations upon State Legislatures.** — The action of state legislatures is limited both by the Constitution of the United States and by the state constitutions. The Constitution of the United States, Article I, Section 10, limits state functions as follows:

> "1. No State shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal;[1] coin money; emit bills of credit; make anything but gold and silver coin a legal tender in payment of debts; pass any bill of attainder, ex post facto law, or law

[1] Letters of marque and reprisal consist of authority given by a government to a private person to take the property of a foreign government, or citizens of a foreign government, as a redress for an injury. Privateers in the War of 1812 sailed under authority of letters of marque. Though the United States government has authority to grant letters of marque, it will probably never again do so.

impairing the obligation of contracts; or grant any title of nobility.

"2. No State shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the net produce of all duties and imposts, laid by any State on imports and exports, shall be for the use of the treasury of the United States; and all such laws shall be subject to the revision and control of Congress.

"3. No State shall, without the consent of Congress lay any duty on tonnage, keep troops, or ships of war in time of peace, enter into any agreement or compact with another State, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay."

The state constitutions limit the action of the legislatures by preventing interference with certain individual rights; by preventing a state from incurring debts beyond a certain amount; by prohibiting grants to institutions admitting only certain religious sects, etc. It is quite common to have provisions in regard to taxation, railroads, banking, education, and suffrage placed in the state constitutions and thus control the action of state legislatures in these matters. Most state constitutions provide against local and special laws.

**State Privileges Guaranteed by the United States.** — Each state is guaranteed by the Constitution of the United States: (1) protection in case of invasion by a foreign enemy,

(2) a republican form of government, (3) that the state shall not be divided except with its own consent.

**Relations of the States to Each Other.** — The Constitution of the United States requires that full faith shall be given in each state to the public records and judicial proceedings of every other state. This does not mean that the law of one state is binding in another state, but that judicial decisions shall be accepted as facts in other states.

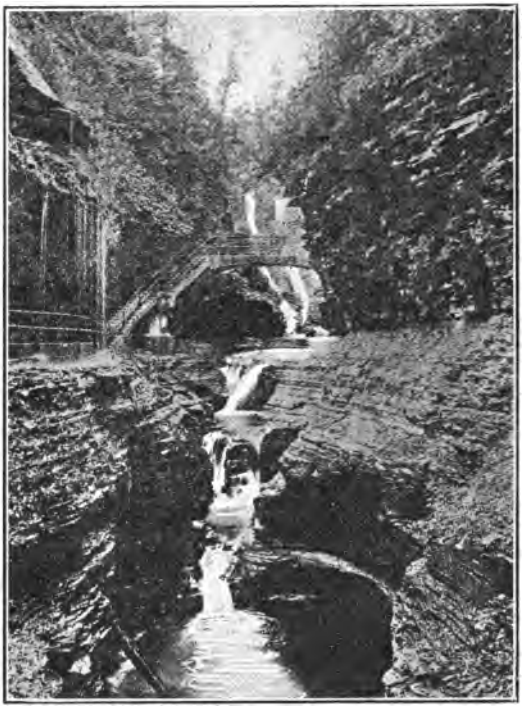
A person charged with any crime, who shall escape into another state, may, on the demand of the executive authority of the state from which he fled, be delivered up, to be removed to the state having jurisdiction of the crime. The governor of the state in which the criminal is arrested is the sole judge as to whether the accused shall be returned, and too many cases are on record in which, on account of personal dislike, a governor has refused to honor a demand for the return of a person accused of crime.

" Citizens of each state shall be entitled to all privileges and immunities of citizens in the several States."[1]

**State Parks and Preserves.** — National Parks and local parks are known to all and their advantages well recognized. State parks and state preserves are not so well known, but are of scarcely less importance. New York leads all American states in regard to parks and preserves. About two-thirds of the Adirondack region, amounting to about 4,000 square miles, belongs to the New York State Forest Preserve and is known as Adirondack Park. The state also owns in the Catskill region a tract of 130,000 acres and has many smaller preserves. The forest preserves

[1] Article IV, Sec. 2, U. S. Const.

were originally acquired with a view to protecting the forests near the headwaters of river systems, so as to prevent floods by checking by forests the rapid passage of rainfall and melted snow into the streams. The sale of



SCENE IN WATKINS GLEN, NEW YORK.

lumber from the forests is expected before long to yield the state not less than $1,000,000 per year and the forests will be kept productive by planting new trees.

Palisade Park, shared by New York and New Jersey and also called Interstate Park, was presented to the state

by the Harriman estate. It comprises 24,000 acres in all. It has been the wise policy of the state to acquire natural wonders so that they may be enjoyed by all visitors. Niagara Falls Park was established in 1883 and now a visitor can see the great falls without being compelled to pay for the privilege. Watkins Glen, one of the most remarkable results of erosion, is also owned by the state and all visitors may go through it without expense to themselves. The state has a park of 304 acres at Saratoga Springs and also the Indian Ladder Park of 350 acres besides several smaller parks.

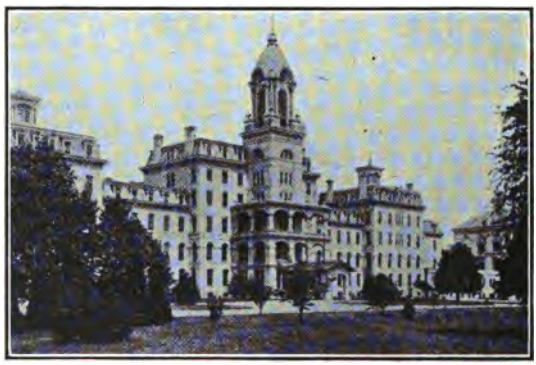
All the state parks may be enjoyed by the people within the limits of reasonable state regulations. Other states having state parks are California, Connecticut, Massachusetts, Michigan, Minnesota, Pennsylvania, Wisconsin, and Wyoming.

## QUESTIONS ON THE TEXT

1. Describe the duties of the governor of a state.
2. Name the other executive officers of the state, and explain the duties of each.
3. What are the duties of the chief state commissioners, or administrative boards?
4. What is the "indeterminate sentence"? Show its value.
5. Describe the state legislative department.
6. Show the progress of a bill from its introduction to its becoming a law.
7. Name two ways in which it is possible for a bill to become a law without the governor's signature.
8. What is the initiative? What is the referendum?
9. How do state and federal constitutions limit the powers of state legislatures?
10. What privileges are guaranteed the states by the United States?

## QUESTIONS SUGGESTED BY THE TEXT

1. Should the governor have power to pardon criminals?
2. What is the term of the governor in your state? Is a four-year term better than a two-year term?
3. Find the names and duties of the administrative boards in your state.
4. To what extent are the initiative and referendum in use in your state?
5. What are letters of marque? Why will the government of the United States probably never again authorize them?



COLLEGE OF ST. ELIZABETH, CONVENT STATION, N. J.

## CHAPTER XII

### THE STATE JUDICIARY AND JUDICIAL TRIALS

**State Courts.** — In all the states there are at least three grades of courts.

1. *Local courts.*— Minor cases are tried in courts presided over by a justice of the peace or by a police magistrate. A first hearing is often given to more serious cases in these courts, and if there is enough evidence the defendants are sent to a higher court. Municipal and county courts have jurisdiction over more serious cases, and hear appeals from the lower courts.

2. *Superior courts.* — These courts have jurisdiction over serious cases, and have districts which usually cover large areas. The judges are generally not confined to sessions in any one place, but travel over their districts. In addition to original jurisdiction in certain cases, appeals from lower courts come before them. In some cases these courts are known as circuit courts.

3. *Supreme courts.* — Generally these courts have no original jurisdiction,[1] and therefore try cases only on appeal from the decisions of lower courts. "In five states there are *supremest* courts above the 'supreme.' Thus, in New York a court of appeals reviews errors made in certain cases by the supreme court; in New Jersey there is a su-

[1] In New Hampshire, Massachusetts, Rhode Island, New York, and New Jersey the supreme courts have original as well as appellate jurisdiction.

preme court above the circuit, which is itself of high appellate jurisdiction, and a court of errors and appeals above the supreme; in Louisiana the order is reversed, and there is a supreme court above a court of appeals; in Illinois a supreme court above certain district appellate courts; and in Kentucky a court of appeals above a supreme court which is called 'superior' simply. In Texas there are two coördinate supreme courts; one, called the supreme, for the hearing of civil cases only, the other, called the court of appeals, for the hearing of criminal cases brought up from the county courts."[1]

In most matters the decrees of state courts are final, but in cases that deal with matters over which the Constitution of the United States gives the federal courts jurisdiction, there may be an appeal to the United States courts.

**The Selection of Judges.** — During the colonial period judges were appointed by the governor; their tenure of office was for life or during good behavior. After the Revolution judges were elected, as this plan was considered more democratic. At present in most of the states, judges are elected by the voters for a term of from ten to fifteen years; in a few states judges are appointed by the governor for life; and in a still smaller number they are elected by the legislature. Judges should be made independent of politics, and this can only be accomplished by giving them a long term of office. Salaries of judges are far below those received by the leading lawyers, but fortunately the office is held in such high esteem that it attracts the best talent.

[1] Wilson, "The State," p. 510.

**Impeachment of Judges.** — State constitutions contain provisions whereby the state legislature has the power to impeach, that is, charge with misconduct, state judges who fail to live up to the responsibilities of their high office. If the impeachment succeeds, the judge is removed from office.

**Early Form of Trial.** — Among our ancestors in early England when a man was accused of a crime, he might take his oath that he was innocent and bring a certain number of men to swear that they believed he was telling the truth. This ceremony, known as compurgation, was in some cases sufficient to clear the man of the charge. But in many cases it became necessary that some form of trial be employed, and the *ordeal* began to be the common term. The ordeal was an appeal to God to determine guilt or innocence. Ordeals were of many kinds. The accused might be bandaged and compelled to walk barefoot over hot irons, and if uninjured he was declared innocent.[1] His hands might be thrust into boiling water, and if, when the bandages placed about them were removed, the hands were uninjured, the man was innocent. With the Norman Conquest trial by battle was introduced into England, and it speedily became the most aristocratic form of trial. The theory was simple: two parties to a dispute would engage in a formal duel, and God would not allow the innocent to be overcome. In civil cases the fight might be undertaken by a principal or his champion, but in criminal cases the principals must fight in person, unless one be a priest or a

[1] For forms of ordeals and compurgation, see "Translations and Reprints," Vol. IV, No. 4, published by University of Pennsylvania.

woman, or a person disabled by reason of age or bodily weakness.

**Trial by Jury.** — Ordeals were condemned by the Church and became almost unknown in England in the thirteenth century, their place being taken by trial by jury. The origin of trial by jury has been much debated, but its beginnings may be found in Anglo-Saxon and Norman institutions.

We have two kinds of juries, both of early origin. The jury before whom cases are tried is called a petit jury and consists of twelve men, except in justices' courts, where six is the regular number. With the exception of persons engaged in certain occupations[1] all male citizens who are between the ages of twenty-one and sixty are liable to jury duty. Another kind of jury is the grand jury. This consists of from twelve to twenty-three men, who are required to inquire into all offences committed against the authority of the state within the district from which they are enrolled.

The grand jury not only considers charges made by the district-attorney, but may originate investigations.

**Criminal and Civil Cases.** — A crime is an offence against the state no less than against the person wronged. Murder, assault, theft, and other crimes are destructive of the public peace. The state recognizes this fact and provides means for inquiring into crimes and prosecuting the persons declared to be guilty. Civil cases primarily affect the individuals who are parties to the suit. Failure to per-

[1] Physicians, teachers, clergymen, members of the police force, members of the national guard, and firemen are among those usually exempt from jury service.

form contracts, disputes over property, and the like, are not necessarily of great public concern.

It is possible for the same offence to be the basis of both a criminal and a civil action. A reckless operator of an automobile may be arrested with a criminal charge for running over a man on foot; the injured person may also collect damages as the result of civil jurisdiction.

**The Beginning of a Criminal Trial.** — A formal complaint made before a justice of the peace or other judicial officer, results in a *warrant* for the arrest of the alleged wrongdoer. Unless caught in the act of committing a crime, or seen under suspicious circumstances, a warrant is a necessary preliminary to arrest. The next step is to bring the accused before a magistrate who, if he has jurisdiction, may try the case; otherwise he may hold the prisoner to await action by the grand jury, or a higher court. Except in serious cases, the magistrate may permit the prisoner to be released on bail, which is done by having some one furnish security for his appearance when wanted.

Most states require that a person accused of a serious crime shall not be brought to trial until the grand jury makes a formal accusation against him. The grand jury is a county institution and is made up, as we have seen, of from twelve to twenty-three men. The methods of choosing grand jurors differ slightly in the various states, but are quite similar. In New York state, for example, the board of county supervisors selects a list of three hundred persons, and not more than twenty days nor less than fourteen days before the court is to open, the county clerk, in the presence of the county judge and the sheriff, is required to draw from a box, containing the names of all the

persons on the list, a sufficient number to make up the grand jury.[1]

The district-attorney gives evidence before the grand jury, whose sessions are secret. Witnesses are heard, but the accused person cannot appear. A majority vote of the grand jury is sufficient to bring an *indictment*, which holds the accused for trial.

The grand jury indicts on a probability of guilt.

The grand jury has the duty of safeguarding the public peace, and may bring indictments even though no warrant for arrest has been issued by a magistrate.[2]

A person indicted by the grand jury or sent to court by a justice of the peace or magistrate is brought before the court and is arraigned, that is, a formal charge is made against him by reading the indictment. If he pleads "guilty," the court sentences him without further trial, unless the charge be murder, in which case the trial must proceed even though the prisoner acknowledges his guilt.

**Trial of a Criminal Case.** — In the meantime, the appropriate county officer has enrolled a jury. This is done by drawing by lot a list of thirty-six men from those who can legally serve on jury duty. From this list the county clerk draws by lot the names of the men who are to serve as a trial jury.

Either defendant or prosecutor has the right to object

[1] In the counties comprising New York City, there being no town government and hence no supervisors, jurors are selected by a Commissioner of Jurors.

[2] In addition to its judicial duties, the grand jury investigates county institutions and property, and makes report to the court on their condition.

to one or more persons as the names are drawn, in which case the judge will excuse this person if it seems reasonable. Drawing continues until the required twelve have been secured. Should the original list of jurors be insufficient, the court may order an additional list.

A jury having been secured, witnesses who have been ordered by the court to be present and testify are examined for the prosecution. After their direct testimony they may be cross-examined by the attorney for the defence. Then comes the testimony for the defence, followed by cross-examinations by the prosecution, and the arguments of the attorneys. The judge then instructs the jury in regard to the application of the law to the case, after which they retire to find a verdict. A unanimous opinion is required to convict in all criminal cases, except in Idaho where five-sixths may render a verdict in cases involving minor crimes. Throughout the trial, the burden of proof rests upon the prosecution. The jury must find the prisoner guilty "beyond a reasonable doubt." The prisoner is not required to testify against himself, and an attorney is chosen to represent him in case he cannot, or does not, secure one for himself. The duty of an attorney is to represent the interest of his client and see that he has a fair trial. An attorney is regarded as an officer of the court, and it is important that every person accused of crime shall have an attorney, as the state desires every man to be protected in all his rights. If a verdict of guilty is rendered, the prisoner is sentenced to pay a fine or be imprisoned, or both. In most states a person convicted of murder may be sentenced to be executed.

A verdict may be set aside by the judge if he considers it against the law and the evidence, in which case there must

be a new trial. During the trial the judge decides all points of law that may arise. Either attorney may make objections to the court's decisions, and the side losing the case may demand a new trial on the basis of these exceptions. In case a fair trial cannot be secured in a certain district or before a certain court, the trial may be transferred to another court.

**Trial of a Civil Case.** — The trial of a civil case differs in many respects from a criminal trial, and the procedure is not the same in all the states. In criminal cases the state may act as prosecutor, but in civil cases the injured party, or plaintiff, must begin proceedings. As a rule, the first step is for the plaintiff to have a *summons and complaint* served upon the defendant. The complaint is a statement of the alleged wrong. The summons is an order from the court calling upon the defendant to appear and answer the complaint before a stated time, or suffer penalty for failure to appear. The defendant may then serve an *answer* upon the plaintiff's attorney, which may deny the facts or admit them and claim that they constitute no legal wrong.

Additional replies and answers may be necessary in order to determine questions of dispute. The case then proceeds as in a criminal case.

In civil cases juries are often unnecessary, the court deciding on matters of facts as well as of law.

A civil case is concluded by the entering of judgment against the defendant, if the plaintiff wins the case. Entering judgment, which is the delivering of the decision to the county clerk, may be followed by an execution, which is an order to the sheriff giving him authority to seize and sell the property of the defendant in order to pay the plain-

tiff the amount of the judgment. In many states household goods cannot be legally seized.

**Criticism of the Jury System.** — The jury system, though it has been long regarded as one of the greatest privileges of a free people, has not been without severe criticism. Every one knows how difficult it is, at least in the large cities, to secure a jury of even fair intelligence. Most persons who are best suited for jury service use every possible means to escape the burden; on the other hand, the ignorant and thriftless rather enjoy jury service. The unsatisfactory nature of ordinary juries is acknowledged by the fact that in some courts a *struck jury* may be secured. This is done by the county clerk, or some similar officer, selecting a list of forty-eight men from which defendant and plaintiff are each permitted to strike off twelve names, and from the remaining twenty-four a trial jury is selected.

It is further objected to the system that juries, even though fairly intelligent, cannot properly decide upon the evidence. Efforts are frequently made to give evidence that cannot convict the prisoner. Though the attorney knows the court will rule it out, nevertheless it has influence upon the jury. Many juries have been influenced more by sympathy than by facts; attorneys know that a widow, especially if she be beautiful, has a case against a corporation practically won if it goes to the jury. A popular writer sums up the objection to the jury system as follows:

"It may be safely given as the almost unanimous opinion of Bench and Bar that there is no other system of trials now in use that is subject to as much delay, inconvenience, vexation, expense, and uncertainty as the jury system.

Although it has been claimed as one of the chief ornaments of the common law, the common law manifested its want of confidence in it by sending a large class of cases — the most complicated ones, and often those involving large amounts — to auditors; by making the admission of the least fragment of incompetent testimony ground for setting a verdict aside; and by giving to its judges power to annul verdicts if, in their opinion, contrary to law, contrary to evidence, founded on mistake, passion, or prejudice, or even if they think the damages awarded exorbitant."[1]

Though much may be said against the jury system, more may be said in its favor. To abolish trial by jury would be to give to judges decision as to facts as well as to the law. Lawyers and judges are influenced by the technicalities of the law; the jury system greatly lessens the tendency toward deciding questions by mere technicalities.

Fortunately, corrupt judges are rare, but the opportunities of such judges, if there were no juries, would be vastly greater than at present. The educational advantages of the jury system are not to be lightly regarded. To be a member of a jury is of real educational value to any man. *If good citizens would recognize jury service as a part of their duty toward the state, most of the objections to the jury system would disappear.*

"Trial by jury has deserved much of the praise bestowed upon it. It was a great advance upon trial by ordeal and trial by battle, which it superseded. It accomplished untold good in times when judges were the servile tools of royal power. It has been called the palladium of our liberty, and not seldom the independence and fearlessness

[1] Dole, "Talks About Law," p. 77.

of juries presented an impassable barrier to the attempts of the crown upon the liberties of the subject. Indeed, had it not been for the trial by jury we should not be the free people that we now are; and, as human nature is the same in all ages and everywhere, as history repeats itself in substance if not in form, as enormously rich individuals and corporations are fast becoming the successors to monarchs in power, it is not at all clear that this cumbersome, expensive, and uncertain method of trial can ever be safely dispensed with, and, *with proper care* in the *selection* of *jurymen*, it might perhaps be made a means of doing as much justice, and as little injustice, as is consistent with human imperfections."[1]

## QUESTIONS ON THE TEXT

1. Describe the jurisdiction of three grades of state courts.
2. How may judges be removed from office?
3. Give an account of compurgation and trial by ordeal.
4. What is a crime? What is a civil case?
5. Describe a criminal trial.
6. Discuss the advantages and disadvantages of trial by jury.
7. What is the difference between a sin and a crime? Is a crime always a sin?

[1]Dole, "Talks About Law," p. 83.

## CHAPTER XIII

### ELECTIONS AND PARTY MACHINERY

**Suffrage.** — With one exception, to be noted hereafter, the qualifications of voters are left to the decision of the state governments. In colonial days the right to vote, called the right of suffrage in most colonies, was much restricted. After the Revolution, religious qualifications gradually disappeared, and property qualifications were, in the main, soon removed. This was at first due to a growth of democracy, followed by a competition of parties for the "foreign vote." The theory of representative government does not require that all members of the community shall vote. Minors, criminals, and the insane are denied the suffrage in every state. In most states women, and paupers in institutions, cannot vote. The usual requirements for voters are as follows:

1. *Age requirement.* All states require that a voter shall be twenty-one years of age.

2. *Residence requirement.* Usually a residence within the state for six months or a year is required. A shorter term of residence is commonly required in the county and in the election district. United States citizenship is required in most states, though in several a foreigner who has declared his intention to become a citizen may vote. No man may vote in two places, unlike England, where a man may vote in two places if he is qualified in each.

3. *Economic qualification.* In the states of Arkansas, Arizona, Georgia, Massachusetts, Mississippi, Nevada, Pennsylvania, Tennessee, Texas, Virginia, North Carolina, and South Carolina no one may legally vote who has not paid a tax within a stated time.

In Alabama only those who have employment may vote.

4. *Moral qualification.* Persons convicted of serious crimes, including offences against the purity of the ballot, are by law excluded from voting and are disqualified for holding office. Unfortunately these laws are not often strictly enforced. Persons guilty of habitual polygamy are excluded from voting in the territories by a United States statute, and local laws to the same effect exist in Utah, Idaho, and Mississippi.

5. *An educational qualification.* Ability to read the constitution and write one's name exists in the states of Arizona, California, Connecticut, South Carolina, Delaware, New Hampshire, North Carolina, Maine, Massachusetts, and Wyoming.

In several other states the ballot is of such a nature that persons who cannot read cannot very well vote.

Within the last few years the states of Virginia, North Carolina, South Carolina, Alabama, Mississippi, and Louisiana have amended their constitutions so as to require an educational qualification or the payment of a tax as a condition for registration, and in each of these states a man must register before voting. The educational requirements of these constitutions have been vigorously attacked on the ground that they were designed to prevent the negroes from voting. It may be said, however, that in no southern state is a negro legally prevented from voting be-

cause he is a negro. The Constitution of the United States provides that suffrage shall not be denied "on account of race, color, or previous condition of servitude,"[1] and the southern states have not attempted to disqualify negroes as such. Moreover, in no southern state is a negro disqualified, unless for crime or other good reason, if he can show ability to use the English language intelligently and possesses three hundred dollars' worth of property. The real objection to these constitutional provisions is in two clauses which are found in several state constitutions. One of them is the "grandfather clause," found in the constitutions of Louisiana and North Carolina, which permits all persons who could vote in 1867, and their descendants, to vote if they register before a given date. This would exclude most negroes and admit most of the whites. The time limit attached to this act has already expired in both of these states, but those who have once registered continue to be voters. The other clause, known as the "understanding clause," found in the constitutions of Virginia,[2] South Carolina, and Mississippi, permits the registrars to exclude from voting any one who does not understand the constitution when he reads it or when it is read to him. An official might interpret such a clause so as to give him authority to prevent almost any applicant from voting.

No one objects to the argument in favor of just educational qualifications, that is, ability to read and write. John Stuart Mill stated it briefly when he said: "No one

[1] Fifteenth Amendment. The Supreme Court has decided that this does not apply to Mongolians. Chinese are prevented by law from voting in California, Nevada, and Oregon.

[2] In Virginia this clause expired in 1904.

but those in whom theory has silenced common sense, will maintain that power over others, over the whole community, should be imparted to those who have not acquired the commonest and most essential requisites for taking care of themselves—for pursuing intelligently their own interests, and those of the persons most nearly allied to them."

**Woman Suffrage.** Colorado was the first state to give women the ballot. This was in 1893. Now women may vote at all elections in fifteen states, including New York, which extended the privilege of voting to women in 1917. In no other Eastern State[1] may women vote at all elections, though they may vote on school questions in most states. No state which has given the ballot to women has ever wished to withdraw it.

The arguments usually advanced in favor of woman suffrage are as follows: women possess in no less degree than men the moral and educational qualifications necessary for intelligent voting; women are taxpayers and should have a voice in the election of those officials who are to manage the public revenues; the presence of women at the polls would have an elevating influence on politics.

Against woman suffrage it is urged that suffrage is not a right that may be demanded, but a privilege extended by the state to those whom it considers especially qualified; that women are now represented; that domestic and social duties take the time and strength of women; that an active share in politics would detract from home duties; that the majority of women do not wish the suffrage and would not vote if they had it.

**Registration.** — Registration of qualified voters is required as a necessary condition to voting in a majority of

[1] Written in 1919.

the states of the Union and in almost all of the cities. Registration is usually required before the regular election officers on appointed days from a month to two weeks before the election day. This gives an opportunity to exclude in advance persons who are not qualified, and carefully to investigate all doubtful cases.

There are two systems of registration: one requires registration for every election; the other permits the name of a person once registered to remain on the books until removed for cause. The former plan is much better than the latter.

**Methods of Voting.** — The Australian ballot, so called from the place of its origin, is now in general use throughout the United States. Names of all candidates are printed on an official ballot, sent out by the state and never allowed to depart from its possession, except when being marked by the voter. The voter after entering the polling place receives a ballot from the election officers, retires into a booth, and there marks a cross in front of the name of each candidate for whom he desires to vote, or votes a "straight" ticket by putting a cross in a circle under the party emblem. In most states names of candidates are arranged by parties, thus making it easy to vote a straight ticket; but in Massachusetts and California candidates are arranged alphabetically without regard to the party to which they belong, thus encouraging independence among voters, and making it difficult for persons who cannot read to vote at all. Under the Australian ballot system no one can tell for whom a man votes, and thus the opportunity for bribery is greatly lessened by uncertainty in regard to delivering the vote. Ballots marked for identification cannot legally be counted.

Voting machines have been tried with success in many parts of the country. Their operation is very simple: the voter enters a booth containing a machine and pulls a knob opposite the name of each candidate for whom he desires to vote, or may vote a straight ticket. The machine records the total vote cast and the number of votes each candidate has received, thus preventing any question of fraud in counting the ballots. The expense of the machines has been the chief objection to their general use.

**The Counting of Ballots.** — As soon as the polls are closed, the counting of the votes begins. Each party is permitted to have one or more watchers to see that the officials do their work fairly. Returns from each election district after being counted are sent to the city, county, or district board that controls the counting of votes, and afterward to the state board. After the election returns have been officially counted, certificates of election are given to successful candidates.

**Minority and Proportional Representation.** — Elective state offices are filled by persons who have received the largest number of votes even though they have not received more than half the votes cast. To elect a governor, a few states require a majority of all votes cast, failing which, the election of governor goes to the legislature. A person receiving the highest number of votes, when the number is less than a majority, is elected by a plurality.

When there are several offices to be filled, as city councilmen or members of a legislature, it may happen that all the offices are given to one party, while the other party

casting perhaps forty per cent of the total vote, elects no candidate.

There are two plans whereby minority parties are given representation. One of these is illustrated by the election of county commissioners in Pennsylvania. There are three county commissioners, but no one may vote for more than two candidates, thus a minority party is sure of electing one candidate. There is another plan in Illinois for choosing members of the legislature. In that state each district is represented in the legislature by three members. Every voter has three votes and may cast all of them for one candidate, with the result that the minority party by voting for one candidate only is generally sure of electing one representative.

Proportional representation is an effort to give representation in proportion to the votes cast. Advocates of proportional representation point to certain evils of the present system.

"Suppose a legislature to be composed of forty members elected from forty districts, and that the popular vote of the political parties stands respectively 120,000 and 100,000. If the districts are so arranged as to have 5,500 voters each, and the parties happen to be divided in the districts in the same proportion as at large, we should have in each district a vote respectively of 3,000 and 2,500. All of the forty candidates of the majority would be elected, and the minority wholly excluded. An extreme result like this seems improbable, but it sometimes occurs."[1]

One merit of proportional representation would be to destroy the temptation to arrange districts to the advantage of one party.

[1] Commons, "Proportional Representation," pp. 48-49.

Those who favor proportional representation make a mistake, however, when they state that minorities are unrepresented. *An officer represents the people, not the party.*

**Election Districts.** — For many offices there is no difficulty in regard to election districts. The entire state must be regarded as a district for important state officials; in like manner counties and cities serve as districts for many offices

In electing members of legislative bodies, it has become the custom to divide states and cities into districts of nearly equal population and elect one representative from each district. Changes in population require many changes in districting, and the party in power has opportunities to arrange the redistricting to its own advantage. Frequently districts are so arranged as to give the party in power a number of districts by small though safe majorities, and to group the opposition in few districts with large majorities. This is called *gerrymandering*,[1] and can be characterized by no milder term than a crime against democracy.

[1] The term "gerrymandering" originated in Massachusetts in 1812. Elbridge Gerry was the governor, and the Democratic party had succeeded in passing a law, Feb. 11, 1812, which so arranged senatorial districts as to give the Democrats the best possible chance of winning. Natural and time-honored dividing lines were disregarded. Gilbert Stuart seeing, in the office of the *Columbian Centinel*, an outline of the Essex outer district, added with a pencil a beak to Salisbury and claws to Salem and Marblehead, and exclaimed, "There, that will do for a salamander." "Salamander," exclaimed the editor, "I call it Gerrymander." See article by Professor Ware in *American Law Review*, January, 1872.

**The Caucus and Primary.** — Nominations for elective offices are no less important than elections. In the New England towns nominations usually are made in a very simple manner. Often candidates are put in nomination at the town meeting without any previous conference. When it is known that there will be a contest, candidates either announce themselves or are announced as a result of private meetings of their supporters.

A caucus is a meeting of party members for the purpose of making nominations for elective offices. There is usually more or less opportunity for discussing the merits of candidates, and the persons receiving the largest number of votes are made the regular candidates of the party. Until within a few years the caucus has been the usual method of nominating local candidates and of choosing members of conventions which nominated candidates for higher offices. The chief objection to a caucus as a means of making nominations is that only a small fraction of the party members ever attend and, as a result, nominations are made by a small number of professional politicians.

The failure of the caucus system has resulted in the establishment of direct primaries in many states. Primary elections are held just as regular elections, except that usually only members of the party concerned can vote at its primary.

The present primary law of New York State was adopted in 1914. All nominations for elective offices must be made in primaries. To be placed on the primary ballot a candidate must present a petition signed by a certain number of voters enrolled in the party concerned.

In New York the number is 3,000 in case of officers to be elected by the people of the entire state and less for those of

smaller districts. In the summer of 1918 both Republicans and Democrats held "unofficial conventions," which had no legal standing. The Republicans made no recommendation of a candidate in reference to the coming election of a governor, confining their attention to party policies; the Democrats recommended a candidate to the primary voters, who was later nominated at the primary and elected at the general election. New Jersey has a primary law almost identical with that of New York. The primary method of making nominations has not given universal satisfaction, but is being constantly improved. Many think a State convention to determine policies and make a platform is necessary.

**Nominating Conventions.** — Unless the primary system is used, nominations for city,[1] county, and state affairs are made by nominating conventions. Delegates to the city and county conventions are chosen generally at primaries; delegates to state conventions are as a rule chosen at city and county conventions; very often delegates are elected with the understanding that they will support certain candidates, or are so "instructed" by conventions. The state convention alone will be described, as county and city conventions, though simpler, are of the same general nature.

The call for the convention, issued by the state committee of the political party concerned, names the time and place of the convention and states the number of delegates

[1] In some cities representatives to the city council are nominated by a ward caucus; also in some cities, where the ward is an election district, this is the method of nominating candidates for the state assembly.

for each district. The convention is called to order by the chairman of the state committee and, after prayer by some prominent clergyman, solemnly proceeds to select a list of officers prepared in advance by the committee. After the appointment of a number of necessary committees, a permanent chairman is elected, who immediately delivers a carefully prepared speech on the questions of the campaign. Then comes the report of the committee on credentials, and as soon as this is approved by the convention, a platform or statement of the attitude of the party on the questions of the day, is offered for the consideration of the convention by the committee on resolutions. After adopting the platform, the convention is ready to proceed to the nomination of candidates for offices. Nominations begin with the highest office to be filled. Carefully prepared nominating speeches are made by men selected for that purpose, and after a ballot has been taken the votes are counted by a committee appointed by the chair. A majority vote is required for nomination.

State conventions usually follow the plans arranged in advance by the state committee, and this is almost necessary, as the conventions are very large. The great power given to the state committee has, however, not infrequently been used in opposition to the wishes of a majority of the people.[1]

**Nomination by Petition.** — Almost all the states require that a party must have cast a certain number of votes, or a

[1] The "snap" New York State Democratic convention of Feb. 22, 1892, is a good example. This convention sent a solid Hill delegation to the national convention, though beyond doubt the majority of Democratic voters in the state favored the candidacy of Mr. Cleveland.

certain percentage of votes, in order to receive a place on the official ballot. Other candidates may be put in nomination and their names placed upon the official ballot by giving to the proper officer a petition signed by a certain number of qualified voters. The number required for state officers varies from 12,000 in New York to 50 in Mississippi, and the percentage from one-half of one per cent in Pennsylvania to five per cent in California. For Congressional and local nominations a smaller number is generally required; and states requiring a percentage usually hold to the same percentage.

**The Party Machine.** — In order to do effective work there must be some permanent party organization. This is found in the party committee. Each political party has city, county, and state committees. These committees, either alone or associated with other politicians, are known by their friends as "the organization" and by their enemies as "the machine." To the organization belongs the duty of arranging meetings, sending out campaign literature, collecting money to pay the expenses of the campaign, calling conventions, and other necessary work of like character.

"The organization becomes dangerous when it passes beyond initiative and suggestion and routine work, and assumes the sole right to select persons for party nomination; or when, by preventing a fair expression of the will of the party voters, it forces unfit candidates upon the ticket; or when, going to the furthest extreme, it arranges with the worst elements in the other party for a division of the public employments and public contracts for private benefit."[1]

[1] Hart, "Actual Government," pp. 98-99.

**The Boss.** — Within every political organization there is sure to be a leader. Such leadership, if directed toward the public welfare, becomes a powerful force for good. At his worst the boss is determined to hold the offices for his friends. In order to do this he will use every opportunity to strengthen his political following; many men will be attached to him by his personality, and more by the advantages he can give them. A successful ward boss will bail his political friends out of jail when they are in trouble, will secure positions for them in the public service or from contractors who wish his favor, will furnish relief for the unfortunate, and in a thousand ways will build up a large following. Sometimes the boss is content with the possession of political power, and expends his own money; but often, especially in the cities, the boss makes a fortune for himself or his friends, and the public pays the bill.

The unprincipled boss can secure large sums of money from corporations on promise of favors or by threats of injury, and may even permit vice to flourish in return for a cash payment. At his worst the boss makes politics a commercial enterprise for private gain instead of a means of serving the public. A machine organized for public plunder is always supported by a well-organized minority, which has great advantages over an unorganized majority.

Fortunately those in favor of good government are finding out the necessity of organized effort, and the result of an awakened civic spirit is manifest in many places.

## QUESTIONS ON THE TEXT

1. What are the usual qualifications that a voter must possess?
2. Discuss the advantages and disadvantages of a property qualification.

3. In what respects do you consider the educational qualifications of the southern states open to criticism?

4. In what state may women vote at all elections? Give arguments against and in favor of woman suffrage.

5. Describe the Australian (or blanket) ballot.

6. What is minority representation? What is proportional representation?

7. Describe the usual methods of nominating local and state officers.

8. What is meant by the expressions "party machine" and "boss"?

## QUESTIONS SUGGESTED BY THE TEXT

1. State the qualifications that voters must possess in your state. Are these qualifications wise and sufficient in your judgment?

2. Are there any reasons why women should be permitted to vote at elections for the purpose of choosing school directors that do not equally apply to elections for governor?

3. Consult a dictionary in regard to the meaning of "alien," "denizen," and "citizen."

4. How are candidates for office nominated in your city, village, or town?

5. Has your state been "gerrymandered" recently? Show how it might be so treated with advantage to the party now in power.

6. Is the "boss" a necessary evil?

## CHAPTER XIV

### STEPS TOWARD A NATIONAL GOVERNMENT

**Colonial Conditions.** — Until the meeting of the First Continental Congress in 1774, the thirteen English Colonies in America had never united for any purpose. Each colony had its own executive, legislature, and courts, and each had its own relations to England. The settlements were scattered, roads were poor, and there was little to draw the colonies together. It is very doubtful whether the English Government would have looked with favor upon colonial union.

There were, however, some bonds of sympathy which should not be overlooked: the colonists were, in the main, of the same race and spoke a common language; the same political ideas were at the basis of their governments; common dangers threatened them.

**New England Confederation.** — The four colonies of Massachusetts Bay, New Hampshire, Plymouth, and Connecticut in 1643 formed, under the name of the United Colonies of New England, a defensive and offensive alliance which lasted for forty years. It was not a government, but an alliance for the sake of offering stronger resistance to the Indians, the French, and the Dutch. Its importance in the history of the colonists was, that it made them familiar with the idea of common interests and actions.

**The Albany Conference.** — In 1754 danger of war with France led to a meeting in Albany of representatives from New Hampshire, Rhode Island, Connecticut, New York, Pennsylvania, and Maryland. Benjamin Franklin, who was the leader of the movement, presented a plan for union which included an executive to be appointed by the king, and a council of forty-eight members to be elected by the legislatures of the colonies. The plan was approved by neither the Board of Trade in England nor the colonial legislatures. In the words of Franklin, "the crown disapproved it as having too much weight in the democratic part of the Constitution, and every Assembly as having allowed too much to prerogative."

**The Stamp Act Congress.** — Opposition to the hated Stamp Act had led Massachusetts to suggest a congress of all the colonies. Delegates from nine colonies[1] assembled in New York in October, 1765, and drew up a protest, which they called the "Declaration of Rights," in which they denied the authority of Parliament to tax them, as it was their right as Englishmen to be taxed only by their representatives.

The Stamp Act was soon after repealed, but new grievances followed.

**The First Continental Congress (1774).** — The repeal of the Stamp Act was followed by a series of taxes on imported goods, and, because of the resistance of the colonies to these taxes, by measures to compel them to pay the taxes. Feel-

[1] New Hampshire, Virginia, North Carolina, and Georgia were not represented, though they sympathized with the action of the other colonies.

ing in the colonies was growing bitter, and a call for a congress to protest against the acts of Parliament met with a ready response. All the colonies, except Georgia, were represented in the First Continental Congress which met in Philadelphia. The Congress issued a new declaration of rights addressed to the people of England and America and sent a petition to the king.

But they did more than this; they formed an American Association for the purpose of enforcing non-importation, and this also served to unite all who were opposed to British aggression.

The First Continental Congress was not a government — it possessed no authority. It was, however, the most important assembly that had yet come together on American soil, and it served to strengthen the idea of united action. Before separating, the delegates called another congress to meet the 10th day of May, 1775, in Philadelphia.

**Second Continental Congress (1775–1781).**— Originally the Congress was organized as a single house in which each colony or state had an equal vote. There was no executive, but Congress in itself united executive and legislative functions. It was the first body in America to pass legislative acts for all the colonies. Strictly speaking, the Congress then was hardly a government; its acts were not legally binding upon the colonies or upon individuals. This second Continental Congress, however, was a revolutionary body, because the country was in a state of war. Accordingly it assumed and exercised authority. All of the thirteen colonies were represented in the Second Continental Congress. This remarkable assembly, without any definite

INDEPENDENCE HALL, PHILADELPHIA

authority, exercised the functions of a government for six years. During this time by its authority an army was organized, a debt incurred, independence declared, revenue raised, treaties negotiated, war waged, and other governmental duties performed. The second Continental Congress is famous as the one which issued the immortal Declaration of Independence.

**The Confederation.** — As early as 1777, Congress passed the plan of union called the Articles of Confederation. It was provided that the Articles should go into effect as soon as they were ratified by all the states. Some of the smaller states refused to ratify until the larger states would surrender their western lands to the national government. Maryland was particularly obstinate. The delay in ratification was really an immense service to the Union, as the ceding of the western lands was the foundation of the national domain. Had Virginia alone retained her claims to western territory, the history of the United States might have been different.

The Articles were at length adopted by all the states in 1781. The purpose of this "league of friendship" was "common defence, the security of their liberties, and their mutual and general welfare." It was declared that each state retained its sovereignty, freedom, and independence, and every power, jurisdiction, and right which was not by the Confederation expressly given to the United States in Congress assembled.

**Nature of Government Under the Articles of Confederation.** — The Articles of Confederation really formed a league and not a State. The people at that time feared

the creation of a tyrant at home, and it was only through bitter experience that they were to learn that a weak government is an object of contempt, and that liberty is possible with a strong central authority.

Government was carried on by a Congress of one house. Each state might be represented in Congress by not less than two or more than seven delegates, to be chosen annually in whatever manner the state legislature might direct.

The majority of the delegates were to decide the vote of the state on all questions, and each state had one vote. No important measure could pass without the assent of nine states. There was no national judiciary and no national executive; a committee consisting of one member from each state might exercise certain powers during a recess of Congress.

**The Powers of Congress.** — Congress theoretically had authority to declare war, make treaties, appropriate money, regulate coinage, build and equip a navy, and regulate other matters of common interest, but its real authority was very limited.

**Weakness of the Government.** — The most conspicuous feature of the government was its weakness. The principal defects were as follows:

1. *Congress had no authority to enforce its decrees.* A single state might with safety disregard an act of Congress, as there was no way to compel obedience. There was neither judiciary nor executive.

2. *All important measures required the votes of nine states.* This meant no legislation on most matters.

3. *No ability to regulate Commerce.* Congress had no power to tax imports. England put heavy taxes on American goods and closed her ports in the West Indies to American ships, but Congress had no power to tax English goods or close American ports in return. Congress was even powerless to regulate commerce between the different states. New York taxed farm products from New Jersey and Connecticut, but Congress could do nothing.

4. *Impossibility of amendment.* The Articles could be amended only by unanimous vote, and every effort at amendment failed through the selfish action of one or more states.

5. *Treaty obligations could not be enforced.* Foreign states looked with contempt upon so weak a government and would not enter into relations with it. England kept troops on the western border in defiance of the treaty of 1783.

6. *There were no means of raising adequate revenue.* Most of the revenue was raised by taxes upon the states, but the states paid only part of the sums due or neglected to pay anything. No more money could be borrowed, and Congress was obliged to issue paper money; but the people did not believe that it would ever be redeemed in gold and silver, and it soon became practically worthless.

During the first few years of its existence, the Confederation did not show its fundamental weakness; the early issues of paper money even seemed at first to give rise to prosperity. As time went on, paper money ceased to have value, the states more and more disregarded demands for money, and the interest on the public debt could not be paid. Congress was unable to pay even the ordinary expenses of government, and all efforts to amend the Consti-

tution, so as to give Congress authority to tax imports, failed.

Congress also came to be made up of less able men, since service under the state governments was thought to be more honorable. Even the coming of peace added to the troubles of Congress. With no war to unite them in a common cause, the states quarreled with one another.

By the close of the year 1786, it had been clearly shown that the Confederation was a "rope of sand," and thoughtful men knew that anarchy must result unless a stronger central government was established.

**The Annapolis Conference.** — The states of Virginia and Maryland appointed delegates who met at Alexandria in 1786 in order to make some agreement in regard to navigation of the Potomac River and Chesapeake Bay. It was seen, however, that other states were interested in these and similar questions, and all the states were invited to send delegates to a trade convention to be held in Annapolis in September of the same year. Although nine states had elected delegates, only five states were represented at the meeting. The delegates saw that they could do nothing in regard to trade regulations and they therefore, acting on the suggestion of Alexander Hamilton, issued a call for a national convention to be held in Philadelphia for the purpose of revising the Articles of Confederation.

## QUESTIONS ON THE TEXT

1. What tendencies toward union existed in colonial days?
2. What was the New England Confederacy?
3. Give an account of the Second Continental Congress and compare it with the First Continental Congress.

4. Explain the delay in the ratification of the Articles of Confederation.

5. Show wherein the Articles of Confederation were defective.

## QUESTIONS SUGGESTED BY THE TEXT

1. Why has the period from 1783–1789 been called the "Critical Period of American History"?

2. Why was not a stronger union formed in 1781?

3. What differences might have resulted in American history had Virginia not surrendered her western lands to the United States?

4. "Without the experience under the Articles of Confederation we could not have secured the present Constitution." Show in what respect the above quotation is true.

## CHAPTER XV

### MAKING THE CONSTITUTION

**The Meeting of the Federal Convention.** — Fifty-five delegates representing all the states took part in the meetings of the Convention. Among them were the most able men whom the states could furnish. Washington, the most influential man in America, was a representative from Virginia and was made president of the Convention. James Madison, of Virginia, Benjamin Franklin, Robert Morris, and James Wilson, of Pennsylvania, the Pinckneys and John Rutledge, of South Carolina, Elbridge Gerry, of Massachusetts, John Dickinson, of Delaware, Alexander Hamilton, of New York, and William Paterson, of New Jersey, were among the most prominent members.

With few exceptions the members of the Convention were able and trusted men. Some notable men were absent: Jefferson was serving his country as Minister to France, and John Adams was Minister to England; Samuel Adams, Patrick Henry, John Hancock, and Richard Henry Lee had not approved of the Convention.

The delegates differed widely in regard to what changes in the government were necessary. Some wished to amend the Articles of Confederation so as to give the United States government more power; others desired to draw up an entirely new constitution. Fortunately the latter were in a majority, even though they had received no such in-

structions from the states. All proceedings were in secret, and each state had one vote.

**The Large vs. the Small States; The Connecticut Compromise.** — The Convention divided into two parties; one representing the large states, the other the small states. Edmund Randolph, of Virginia, presented a plan of government known as the Virginia plan, which was chiefly the work of Madison. The Virginia plan provided for a Congress of two houses, which should have power to pass laws on all matters of national importance and should be able to enforce obedience. States were to be represented in each house in proportion to their population, and thus the larger states would control legislation. According to this plan Congress would have the power of appointing the heads of the executive and judicial departments, and so the larger states would control the entire government. The small states were dissatisfied with the Virginia plan. They favored instead a plan introduced by Paterson, of New Jersey. The New Jersey plan merely revised the Articles of Confederation, retaining a single house with an equal state vote. The question was happily settled by the Connecticut compromise, so called because presented by the Connecticut delegates. According to this famous compromise each state was to be represented in proportion to population in the lower house of Congress, but in the Senate each state was to have two representatives, each of whom might cast a vote.[1]

**The Three-Fifths Compromise.** — A most troublesome difference arose between the slave and free states over the

[1] An important change of the plan in the Congress of the Confederation, where each state had one vote.

question as to whether slaves should be counted in apportioning representatives in the lower house and in determining the amount of direct taxes each state might be called upon to pay. The southern states wished slaves to be counted for representation but not for taxation purposes; the northern states held exactly the opposite position. The matter was at last settled by a compromise, suggested by Madison, whereby five negro slaves were to be counted as three whites for both representation and taxation. This compromise is known as the three-fifths compromise.

**The Third Great Compromise.** — The last great compromise also had to deal with the question of slavery. Georgia and South Carolina were opposed to any interference with the slave trade; the northern delegates as well as some from the South wished the importation of slaves to be prohibited. The northern states, where commerce was important, desired to give Congress control over commerce; the people of the southern states, where agriculture was the only industry, thought Congress should not be permitted to pass trade laws by less than a two-thirds majority. Here there was need for another compromise. It was agreed that Congress might pass laws by a mere majority, but that no tax on exports should ever be levied, and that the slave trade might not be prohibited until the year 1808.

**The Convention's Work Finished.** — After the three great compromises were settled, the work of the Convention went on more smoothly. The Convention decided, after considerable debate, in which many plans were suggested, upon a single executive to be chosen for a term of four years. The method of electing a president, the judiciary,

and the division of powers between the states and the nation, were settled without serious difficulty, and after having been in session a little over four months the Convention adjourned. The Convention had previously declared that the Constitution should go into effect as soon as accepted by nine states. The Constitution was now in the hands of the people for acceptance or rejection.

**Friends and Opponents of the Constitution.** — As soon as the Constitution was before the people, a vigorous campaign over its adoption commenced. Opponents of the Constitution, known as Anti-Federalists, found fault because there was no bill of rights, objected to the vast powers conferred upon the nation, said that the Confederation was referable, and feared that the President would become a tyrant.

The friends of the Constitution, known as Federalists, urged the necessity of the new form of government and showed the weakness of the old congress. Many pamphlets and newspaper articles appeared during the campaign, by far the ablest of which was a series of papers known as "The Federalist" of which Hamilton, Madison, and Jay were the authors. "The Federalist" was written for the purpose of showing the nature of the government which the Constitution would give, and was a campaign paper, yet it "has not only become a classic in our national political literature, but is the repository of the best, and, apart from judicial decisions, the most authoritative expositions of the extensive text of the Constitution."

**The Constitution Ratified.** — The Constitution was ratified by state conventions whose members were chosen by the people of the different states. Delaware had the

honor of being the first to ratify, which it did unanimously on Dec. 6, 1787. The great state of Pennsylvania was the first in which there was a serious contest, but it ratified by a two-thirds majority on Dec. 17. Soon after New Jersey and Georgia ratified unanimously. Connecticut ratified without much difficulty; but in the Massachusetts convention ratification was seriously opposed, and the convention consented to approve the Constitution only on condition that a bill of rights be demanded. Maryland, South Carolina, and New Hampshire approved in the order named. There were now the necessary nine states, but the great states of Virginia and New York were not yet "under the new roof," and without them the Union could hardly be successful. Virginia ratified by a close vote, after an agreement to ask for a bill of rights, and New York followed in a few weeks by a slender majority of three. The ratification of New York was chiefly due to the splendid talents of Hamilton, who persuaded a number of former opponents to favor the Constitution. North Carolina and Rhode Island did not ratify until after the Constitution went into effect.

**The Sources of the Constitution.** — The delegates who assembled in the Federal Convention came from communities in which there had been years of experience with charters and constitutions.

In forming the National Constitution, colonial and state experience had a powerful influence over every delegate. Back of this experience was the common heritage in the English Constitution.

A comparison of the English and the American constitutions will show many close resemblances

The following are among the details not borrowed from the British Constitution, though colonial experience more or less closely accounts for all of them:

1. The Federal idea. The United States Government is a federation of states each of which has local self-government.

2. The power of the Supreme Court to declare legislative acts unconstitutional.

3. The written Constitution.

4. The careful separation of executive and legislative departments.

5. The methods of electing a President.

## QUESTIONS ON THE TEXT

1. Describe three compromise measures adopted by the Federal Convention.

2. What was "The Federalist"?

3. Describe the campaign over the adoption of the Constitution.

4. What were the sources of the Constitution?

5. Show some of the differences between the English Constitution and the American Constitution.

## QUESTIONS SUGGESTED BY THE TEXT

1. Did the convention have the authority to say that the Constitution would be binding when approved by nine states?

2. Why were the meetings of the Convention not open to the public?

3. What arguments were advanced in the states in favor of the Constitution? What were the arguments against it? See Fiske's "Critical Period of American History," Chap. VII.

## CHAPTER XVI

### GENERAL VIEW OF THE CONSTITUTION

**A Federal Republic.** — In the Federal Convention one party desired to form a centralized or national republic; another party wished a mere confederation or league of states. The result was a compromise which really satisfied few if any delegates. "Now the American Republic," says Mr. Bryce, "corresponds to neither of these two forms, but may be said to stand between them. Its central, or national government is not a mere league, for it does not wholly depend upon component committees, which we call the states. It is made up of commonwealths, but is itself a commonwealth because it claims directly the obedience of every citizen and acts immediately upon him through its courts and executive officers. Still less are its minor communities, the states, mere creatures of the national government, like the counties of England or the departments of France. They have over their citizens an authority which is their own, and not delegated by the central government. They have not been called into being by that government. . . . The Union is more than an aggregation of states, and the states are more than parts of the Union."[1]

**Departments of Government.** — The Constitution, unlike the Confederation, provided adequate executive, legislative,

[1] "American Commonwealth," Vol. I, p. 16. Woodburn. "American Republic," pp. 59-70. "The Federalist," No. 39.

and judicial departments. Each department of government was given well-defined functions, and each was rendered largely independent of the others.

**System of Checks and Balances.** — The makers of the Constitution made many provisions to keep the people from gaining too much power. Hasty legislation was prevented by requiring a bill to pass both houses and receive the approval of the President, and even then the Supreme Court might declare a law contrary to the Constitution, and hence null and void. The President was not to be elected directly by the people, but by electors chosen by the people, and senators were to be elected by the state legislatures.

**Powers Given to the United States Government.** — The powers of the Federal government are given in the Constitution. They include the most important powers that can be exercised by a sovereign state. Not only is this true, but many sovereign powers are either denied to the states, or may be exercised only by consent of Congress.

**Implied Powers.** — The question whether Congress possessed any authority not expressly granted by the Constitution first arose in 1791 over the plan to establish a Bank of the United States. Jefferson claimed that Congress possessed no power to establish a bank, as it was not expressly granted in the Constitution; while Hamilton argued that such powers need not be expressly granted, being implied in the so-called elastic clause which gives Congress authority "to make all laws which shall be necessary and proper for carrying into execution the foregoing powers and all other powers vested by this Constitution in

the Government of the United States or in any department or officer thereof."[1]

Hamilton said that a bank was necessary and proper in order to carry into effect specifically granted powers such as those relating to taxation and borrowing money. Those advocating Hamilton's position became known as "loose constructionists," as they thought the clause should be construed liberally or loosely; their opponents, who believed in a less free construction, were called "strict constructionists." Hamilton and his friends succeeded in their efforts, and their position was later approved by the Supreme Court. Many measures, whose constitutionality depended upon loose construction, have been passed by Congress. Parties in power have generally been in favor of loose construction, whatever position they may have taken when out of power, and the nation as a result has steadily grown in importance and authority.

**Amendments.** — Experience under the Articles of Confederation proved that some reasonable method of amendment was necessary. The Constitution provides that a suggested amendment must be approved by a two-thirds vote of each house of Congress, or by a Convention which has met in response to a call of two-thirds of the state legislatures. The proposed amendment must then be ratified by three-fourths of the state legislatures, or by conventions chosen for that purpose in three-fourths of the states. Amendments are thus made difficult, but not impossible.

**The National Bill of Rights.** — The first eight amendments to the Constitution form a bill of rights similar to

[1] Art. I, Sec. VIII, clause 18.

those in the state constitutions. There was no little objection to the Constitution because it contained no bill of rights, and, therefore, one was passed by the first Congress and was promptly ratified by three-fourths of the state legislatures. *Unless the states are specifically mentioned, limitations imposed by the Constitution are upon the United States government alone.*

**Rarity of Amendments.** — The amendments to the Constitution will be considered in their proper connection. We may, however, state now that formal amendments have been very few. The first ten amendments were proposed by the first Congress and were practically a part of the original Constitution. The Eleventh Amendment belongs to the same period. It limits the judicial power of the United States so that a person cannot make a state a defendant before the United States courts. Such an amendment would never have been adopted after the national spirit had become strong, and it well shows the intense state feeling that prevailed when, in 1798, it was proclaimed after having received the approval of three-fourths of the state legislatures. The Twelfth Amendment was passed in order to prevent a tie in voting for a President of the United States. The original Constitution provided that electors should vote for two candidates without stating which they desired to become President. The one receiving the highest vote became President, the one receiving the next highest vote became Vice-President. The Twelfth Amendment, passed as a result of the tie between Jefferson and Burr, provided that electors should name their choice for President and Vice-President.

In the long period stretching from 1804 to 1865, no

formal amendment to the Constitution was made. The thirteenth, fourteenth, and fifteenth amendments deal with questions arising from slavery and were passed under extraordinary circumstances. The sixteenth amendment to the Constitution was proposed by both branches of Congress in July, 1909, and, having been approved by the President, was ratified by more than three-fourths of the state legislatures and proclaimed as part of the Constitution in 1913. This amendment gives to Congress the authority to levy taxes on incomes without apportionment among the several states. The seventeenth amendment, proposed by Congress in 1912, provides for the election of United States senators by direct vote of the people in the several states instead of by the state legislatures. This amendment also went into effect in 1913. The eighteenth amendment prohibiting the manufacture and sale of intoxicating liquors was proposed in 1917 and approved in January, 1919, to take effect in January, 1920.

## QUESTIONS ON THE TEXT

1. Show that the United States is more than a league of States.
2. What is the value of the system of checks and balances found in the Constitution?
3. Explain the difference between "strict construction" and "loose construction."
4. Why is the power of amendment to the Constitution necessary?
5. Explain the circumstances under which the various amendments have been passed.

## QUESTIONS SUGGESTED BY THE TEXT

1. Why have parties in power generally inclined toward loose construction, while parties out of power have leaned toward strict construction?
2. In what way, other than by amendments, has the Constitution been changed since 1787?

## CHAPTER XVII

### EXECUTIVE DEPARTMENT

**A Single Executive.** — The Federal Convention saw the need of a real executive, but the fear of a one-man power was so great that there were arguments advanced in favor of an executive committee. Fortunately the Convention decided that responsibility, promptness, and efficiency would be better secured under a single executive than under a board. The President, being elected by the people, is independent of other branches of government. The Constitution refers to the chief executive as the "President," and he is addressed as "Mr. President," or in official writings is the "President of the United States."

**Constitutional Qualifications.** — The Constitution, Article II, Section 1, Clause 4, gives the necessary qualifications for the President as follows:

> "No person except a natural born citizen, or a citizen of the United States at the time of the adoption of this Constitution, shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained to the age of thirty-five years, and been fourteen years a resident within the United States."

'Natural born" citizen includes those born of American parents on American ships in foreign ports or on the high

seas, or in American Embassies and Consulates, all of which are considered as within the United States and under its laws. Children born to American parents who are traveling in foreign countries are also regarded as native born.

**Term of Service and Salary.** — The President is elected for a term of four years. He may be reëlected, but custom has decreed that he shall not be given a third term. Washington refused to accept a third term, and Jefferson also refused to be a candidate for a third term. Until 1880, when an effort was made by some of President Grant's friends to secure him a third term, the precedent was never in danger of being broken. President Grant failed to secure the nomination, and it is now regarded as part of the unwritten Constitution that a President is ineligible for a third term.

The salary of the President is now fixed by law at $75,000 a year, with an allowance of $25,000 for traveling expenses. The salary is regarded not as a recompense for services, but as affording the President the means of living in a style fitting his high office. The honor of the office is the President's reward. In addition to his salary, the President is given the use of the White House during his term of office.

**The Powers of the President.** — The extent and variety of the President's powers place him among the most influential of modern executives. Few monarchs have so much authority as the President exercises during his four years' term of office. "The President enjoys more authority, if less dignity, than a European king." His Cabinet

is responsible to him and not to Congress, and he cannot be removed from office unless by impeachment, death, or incapacity to perform the duties of the office

**Executive Power.** — It is the President's duty under the Constitution to take care that the laws be faithfully executed. "Four-fifths of his work is the same in kind as that which devolves on the chairman of a commercial company or the manager of a railway, the work of choosing good subordinates, seeing that they attend to their business, and taking a sound practical view of such administrative questions as require his decision."[1]

> The President "shall nominate and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law; but the Congress may by law vest the appointments of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of departments."[2]

Congress has given to the President alone the right of appointing certain less important officers, such as judges and heads of departments, but the majority of important offices are filled by the President "by and with the advice and consent of the Senate." In making nominations the President is accustomed to rely to a large extent upon the advice of senators and representatives of his own party and

[1] Bryce, "American Commonwealth," Vol. I, p. 76.

[2] Const. Art. II, Sec. II, clause 2.

heads of departments to whom the candidate will be responsible when appointed. A custom known as "senatorial courtesy" requires that appointments shall not be approved by the Senate unless acceptable to one or both of the senators of the state in which the officer will serve, provided they are members of the party in control of the Senate.

The members of the Constitutional Convention never intended to give the power of appointing officers in order that it might be used for political ends. Officers who exercise some influence on public policies should be of the same political party as the President; but the great army of officeholders, such as postmasters and revenue collectors, are administrative and not political officers. Their positions should be for life, or during good behavior.

**The Spoils System.** — President Jackson was the first President to turn men out of office by wholesale for the sole reason that they had not voted for him. He did not invent the "spoils system";[1] that was common in New York and Pennsylvania before his election. Jackson was inclined to doubt the honesty and patriotism of any one who differed from him politically, and he proceeded to turn out of office members of the Federal party and put Democrats in their places. The dangerous idea, that the practice of frequently changing public officers is a democratic principle, had gained great strength about that time, and has not yet entirely ceased.

**Civil Service Reform.** — Congress has the power to determine upon the qualifications of the officeholders, their

[1] W. L. Marcy, of New York, in defending the system before the Senate, used the expression, "to the victors belong the spoils."

terms of office, and methods of promotion. The first real step in the direction of civil service reform was taken in 1883 when Congress passed an act creating a Civil Service Commission of three members, only two of whom might belong to the same political party. The Act provided that competitive examinations should be held for testing the qualifications of candidates for minor positions in the departments at Washington, in the customs houses, and in post-offices where at least fifty officials were employed. When a vacancy occurred it was to be temporarily filled from among the three applicants who stood highest on the list of those who had passed the examination, and final appointment was to be made after six months of satisfactory service. The law did not extend to positions for which appointment is made with the consent of the Senate, or to the positions filled by unskilled labor. The President was given authority to extend the "classified service." At first there were included under the provisions of the Act about 14,000 offices, but the number has increased until a majority of the offices are under the protection of the civil service law.

It is to be hoped that the law will soon cover all minor offices. Removal of officers protected by the Civil Service Law can only take place for cause and upon written charges, which the accused must be permitted to see and disprove if he can.

Two provisions of the act have been of great benefit: one of these prohibits the forcing of government employees to pay part of their salaries as a contribution to political funds, and the other prohibits the use of official authority for influencing the vote of any citizen.

**Power of Removal.** — Removals from office, except those under the protection of the Civil Service Act, may be made

by the President, and vacancies so created are filled by the advice and consent of the Senate. The President may fill a vacancy during a recess of Congress by appointment, in which case the appointment comes before the Senate for approval at its next session.

**The President's Use of Military Power.** — The President is directed by the Constitution to protect every state from domestic violence on application of the legislature, or the executive when the legislature is not in session. The President is the sole judge as to whether the Federal troops should be ordered to the scene of disorder and whether martial law should be declared.

Another clause of the Constitution requires the President to take care "that the laws be faithfully executed," and under this clause, when the laws of the United States are violated within a state or the functions of the Federal government are interrupted, the President may send troops to the seat of the disorder without awaiting any request from the state authorities, or even in opposition to the desires of the governor. In this manner President Cleveland interfered during the Chicago strikes of 1894, in order to protect commerce between the states and to enforce obedience to the postal laws of the United States.

**War Powers of the President.** — The powers of the President may be vastly increased in time of war. The President is Commander-in-Chief of the army and navy and is responsible for "the faithful execution of the laws." During the Civil War, President Lincoln, without awaiting authorization by Congress, proclaimed a blockade of

THE SCENE WHEN PRESIDENT WILSON DELIVERED HIS FIRST MESSAGE TO CONGRESS

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ONE OF THE SUMMER PLAYGROUNDS CLASSES ENJOYING A GAME

southern ports, enlisted an army, suspended the writ of habeas corpus in many sections of the north, and emancipated the slaves. All of these were extraordinary acts, but they were justified on the plea of military necessity. President Wilson during the World War exercised greater power than any American President, with the possible exception of Lincoln.

**Legislative Power.** — The President may advise Congress in regard to legislation, and he has a direct control over legislation. The advisory power is exercised by means of messages to Congress. The President's annual message, submitted to Congress during the first week of every session, is largely filled with accounts of the work of the executive departments and an account of the condition of the country. The President may in his annual message make recommendations in regard to legislation. Special messages are sent to Congress at special sessions and at any other time when the President thinks it necessary. Special messages deal with specific questions and have exercised a great influence over legislation. Until the administration of Jefferson, it was the custom for the President to address Congress orally. Jefferson, an indifferent speaker, preferred to address Congress in writing. His example in this respect was followed by his successors until President Wilson, in 1913, delivered in person, orally, and with impressive effect, his first message to Congress.

Through the veto power, the President exercises direct control over legislation. If the President does not approve of a bill which has been presented to him for his signature, he may return it to the house in which it originated with a statement of his objections. The bill cannot then become

[1] Bryce, "American Commonwealth," Vol. I, p. 61.

a law unless it is passed over his veto by a two-thirds[1] majority in each house. Should the President not return or sign a bill within ten days (Sundays excepted) after he has received it, the bill becomes a law without his signature, unless the bill be received within ten days of adjournment, in which case it cannot become a law without the President's signature. If the President refuses to sign or veto a bill which has been presented to him within ten days of adjournment, the bill is said to be defeated by a "pocket veto."

**Treaty-making Power.** — The treaty-making power is closely related to legislative power, as a treaty is the supreme law of the land. Treaties must be in accordance with the Constitution, otherwise they are null and void. A treaty may be repealed by a later treaty or by a later law. "If a treaty and a law are in opposition, their respective dates must decide whether the one or the other is repealed."

The President has the power "by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the senators present concur." The President, through the Secretary of State, has control over the making of the treaties. The Senate may approve, reject, or change the terms of a treaty. In case the terms of a treaty are changed by the Senate, the amendments must be approved by the President and the government concerned before the treaty goes into effect.

The House of Representatives has no power in making treaties, though they are as much law as an act of Congress. The House might, however, refuse to vote money called

[1] Two-thirds of the members present, not of the total number elected.

for by a treaty, and it has claimed this right on numerous occasions.

**Pardoning Power.** — The President has power to pardon persons who have been convicted of violating national laws, except in cases of impeachment, or to put off for a time the execution of a sentence.

**The Vice-President.** — The Vice-President is chosen in the same way as the President, and his qualifications are the same. He presides in the Senate, but has no vote, except in case of a tie. His annual salary is $12,000.

"In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of said office, the same shall devolve on the Vice-President."

**Impeachment.**

> "The President, Vice-President, and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of treason, bribery, or other high crimes and misdemeanors."
>
> (Const. Art. II, Sec. 4.)

The House of Representatives has the sole power of impeachment, but the impeachment must be tried by the Senate, and no person can be convicted without a two-thirds vote of the members present.

When the President of the United States is tried, the Chief-Justice of the United States must preside. No

President of the United States has been removed from office by impeachment, though President Johnson, in 1868 narrowly escaped such a fate.

**Presidential Succession.** — Should a Vice-President who has succeeded to the presidency be removed from office for any cause, it is provided by the Presidential Succession Act of 1886, that the following heads of executive departments may succeed to the presidency in the order given:

1. Secretary of State.
2. Secretary of the Treasury.
3. Secretary of War.
4. Attorney-General.
5. Postmaster-General.
6. Secretary of the Navy.
7. Secretary of the Interior.

## QUESTIONS ON THE TEXT

1. Mention five important duties of the President of the United States.
2. What is the official title of the President?
3. Would a man born of American parents who were temporarily residing in London be eligible to the presidency?
4. What are the "war powers" of the President?
5. Describe the "spoils system." What efforts have been made to lessen its application?
6. What is meant by "senatorial courtesy"?
7. How may a President be removed from office?

## QUESTIONS SUGGESTED BY THE TEXT

1. Give reasons for the conditions governing eligibility to the office of President.
2. What class of offices should be exempt from the requirements of the Civil Service Act? Give reasons for your opinion.

3. Why is the Secretary of State named first in the Presidential Succession Bill of 1886?

4. Compare the power exercised by President Lincoln with the authority of a King of England.

5. Name some Ex-President, other than Grant, who has sought a third term.

## CHAPTER XVIII

### THE NOMINATION AND ELECTION OF A PRESIDENT

**Rise of National Nominating Conventions.** — There was no need of any plan of nominations for the first three presidential elections. Washington had no opposition for the nomination, and in the third election Adams and Jefferson were, by common consent, the candidates of their respective parties.

In 1800, candidates of both the Republican and Federal parties were nominated by a conference, or caucus, of the party members in Congress. This plan was followed in every election until 1820, when there was no Congressional caucus, as Monroe was the choice of all. The Congressional caucus was never again restored. In 1824, it is true, sixty-six Democrats attended a caucus and made a nomination for President, but their nominee was not accepted by the party and was badly beaten in the election. From 1824 to 1840, candidates for the presidency were nominated in a variety of ways: sometimes by state legislative caucuses; sometimes by state conventions; sometimes by a "mixed convention" made up of the party members of a state legislature, together with delegates from counties and towns not represented in the legislature by members of the party holding the convention.

During this period, state candidates were nominated by state conventions, and the suggestion was often made that presidential candidates be nominated by a national con-

vention. The first national nominating convention was held by the Anti-Masonic party in 1831 at Baltimore. In 1840, all parties made nominations in national conventions; this method has been employed ever since.

**Selection of Delegates to a National Convention.** — The national conventions of each party are made up of twice as many delegates from each of the states as the state has representatives and senators in Congress.[1] Delegates to the national conventions are chosen in various ways, but as a rule, two delegates are selected by the district conventions of each party and four delegates at arge by the state conventions. The Democratic party has no uniform rule, but the Republican party, in 1892, adopted a rule that "each Congressional district in the United States shall elect its delegates to the national convention in the same way as the nomination of a member of Congress is made in each district," and delegates at large shall be elected in the state conventions. In the same manner and at the same time with the delegates, "alternates" are chosen who may take the place of regular delegates in case the latter cannot attend the convention.

**Meeting of a National Convention.** — The national conventions always meet in a large city, and the sessions are held in immense halls. The usual membership of two from each Congressional district, four delegates at large from each state, and six from each territory, gives a total of over 1,000. Alternates are provided with seats, places are reserved for newspaper reporters, and the galleries are filled with spectators.

[1] Delegates from territories and District of Columbia are also admitted.

Proceedings are similar to those in a state convention, though there is much more excitement. As candidates are nominated, their supporters cheer as loudly as they can. A distinguished candidate may be sure of a "demonstration" lasting from fifteen minutes to an hour or more. In a Republican convention a majority vote is required for nomination, but in a Democratic convention a two-thirds vote is required. After having nominated a candidate for President, the convention nominates a candidate for Vice-President, who must not be from the same state as the presidential nominee. Very often candidates for the vice-presidency are nominated to please the party in the minority or to win over to their side some doubtful state. Men of the highest ability, with a few exceptions, have within the last eighty years not desired to become candidates for Vice-President.

**The Campaign.** — National conventions meet late in June or early in July, and a few weeks later the candidates are formally notified of their nomination. The campaign does not open in earnest until about the middle of September, and it gets more and more exciting until the election on the first Tuesday after the first Monday in November. Great sums of money are raised and expended by the committees of each party. Some of it goes to distribute campaign literature and to secure speakers of real ability, but much is expended for campaign clubs, fireworks, banners, and other such studied appeals to the voter's emotions.

**Presidential Electors.** — The members of the Federal Convention feared that a direct popular vote for President would result in the choice of an unworthy candidate. Con-

gress could not be given the duty of electing a President without making him dependent upon that body, and so the Electoral College was decided upon as a good way out of the difficulty. Each state was to choose as many electors as it had representatives and senators, and several weeks after the election the electors were to meet at their respective state capitals and there vote for President and Vice-President. No portion of the Constitution was more applauded than this, and none has so failed to meet the expectations of its framers. Members of the Electoral College vote as they have been instructed, and few voters know or care about them.

It would be legal for an elector to vote for another than his party nominee, but none would do it, as he would be looked down upon by all men as one who had betrayed his party.

Electors are now chosen on a general ticket in all the states, but at the head of the ticket are placed the names of the candidates for President and Vice-President, so the voter may know for whom he casts his ballot.

The electors meet in their respective state capitals on the second Monday in January, and after voting, three certificates of the results of the ballots are prepared. One is filed with the Judge of the United States District Court, one is sent by mail to the President of the Senate, and another by messenger to the same person. On the second Wednesday of February the ballots are opened by the President of the Senate before the members of the House and Senate, and the result of the election is formally announced.

**Election by the House of Representatives.** — Should no person receive a majority of the electoral vote, the Consti-

tution provides that the House of Representatives shall choose a President from the three candidates who received the highest number of votes in the Electoral College. The House in electing a President votes by states, each state being given one vote. Members must be present from two-thirds of the states, and a majority of all the states is necessary for an election.

If the Electoral College does not elect a Vice-President, "then from the two highest on the list the Senate shall choose the Vice-President; a quorum shall consist of two-thirds of the whole number of senators, a majority of the whole number being necessary to a choice."

**The Twelfth Amendment.** — In the election of 1800, Jefferson and Burr received the same number of votes in the Electoral College. It was understood that the voters wished Jefferson to be President and Burr to be Vice-President, but as the Constitution then stood, the election had to be decided by the House. Jefferson was elected, but only after a bitter contest in which thirty-six ballots were cast. The result was that a Twelfth Amendment was added to the Constitution which provided that the electors should vote separately for President and Vice-President, instead of having the presidency filled by the man who received the highest vote and the vice-presidency by the one who received the next highest.

**The Election of 1824.** — The Electoral College in 1824 failed to give any candidate a majority and again the election went to the House. Jackson had received ninety-five votes, Adams eighty-four, Crawford forty-one, and Clay thirty-seven. Clay being fourth on the list could not

be a candidate before the House, and by the aid of Clay's followers Adams was elected.

**The Disputed Election of 1876.** — The Democratic nominee, Mr. Tilden, received, as a result of the election of 1876, 184 undisputed electoral votes; Mr. Hayes, the Republican candidate, received 163 undisputed electoral votes. In four states, Oregon, Florida, South Carolina, and Louisiana, there were disputed returns. If in any one of these states Mr. Tilden could secure one electoral vote he would be elected; the Republicans needed the entire twenty-two votes of these states in order to elect Mr. Hayes. In each of the disputed states two sets of electors met on the appointed day, and two certificates were sent from each state to Washington, one for Hayes and one for Tilden. There was no recognized manner of deciding the contest, and at last the whole matter was put by Congress in the hands of an "Electoral Commission," made up of five senators, five representatives, and five judges of the Supreme Court. The Senate, being Republican, elected to the Commission three Republicans and two Democrats. The Democratic House elected three Democrats and two Republicans. The law required two Democrats and two Republicans to be appointed from the Supreme Court, and these four were to choose a fifth member. It was understood that Justice Davis, an independent Republican with Democratic leanings, would be selected, but just at that time he was elected to the United States Senate by Illinois, and a Republican, Justice Bradley, was chosen. The Commission by a strict party vote, eight to seven, decided all contests in favor of the Republican electors, and Mr. Hayes was declared elected by a vote of 185 to 184.

**Disputed Elections Act of 1887.** — In order to avoid another contest like that of 1876-7, Congress passed an act, in 1887, which provides that the President of the Senate, in the presence of the two houses of Congress, shall open all certificates of the electoral votes in the alphabetical order of the states. The President of the Senate shall call for objections, and when an objection is made to any certificate the houses shall separate and consider the objections. No electoral vote from any state may be rejected in case but one certificate has been received, unless the houses acting separately so decide; state courts shall determine what electoral votes of the states are legal votes, and their decision shall be final; in case two or more courts send in conflicting returns, that return which both houses accept shall be counted; when there is one state government and two conflicting returns, the one which is approved by the executive of the state shall be accepted, unless both houses, acting separately, decide otherwise; in case the state has appointed no court to determine the question and two returns are received, the two houses shall decide which is the lawful vote; if the houses fail to agree, the vote of the state is lost.

## QUESTIONS ON THE TEXT

1. Describe the method now in use for nominating candidates for President of the United States.

2. Describe the Constitutional method of electing a President, and show how it has failed to work in the manner desired by its framers.

3. What are the provisions of the Twelfth Amendment to the Constitution and what were the circumstances that resulted in this amendment?

4. Give an account of the elections of 1824 and 1876.

5. Describe the manner of choosing the Vice-President in case no person has a majority of all ballots cast by the Electoral College.

## QUESTIONS SUGGESTED BY THE TEXT

1. Give arguments (*a*) in favor of the present mode of electing a President and Vice-President; (*b*) favoring their election by direct vote of the people.

2. Find, by reference to the Constitution, what persons are prohibited from being members of the Electoral College, and give reasons for their exclusion.

3. In proportion to population does New York or Rhode Island have the greater influence in electing a President?

4. Show how a President may be elected by a minority of the voters of the United States.

5. Have national conventions been influenced by the same motives in nominating candidates for the vice-presidency as in nominating candidates for the presidency?

6. Why were the vice-presidents in the first ten years of our country's history more distinguished men than they have been in the last half century?

# CHAPTER XIX

## THE CABINET AND EXECUTIVE DEPARTMENTS

**The Cabinet.** — Nowhere in the Constitution is a Cabinet mentioned, but it is implied in Article II, Section 2, which gives the President authority to require an "opinion in writing of the principal officer in each of the executive departments upon any subject relating to the duties of their respective offices."

Executive departments have been created from time to time by act of Congress. Washington's Cabinet was made up of a Secretary of State, a Secretary of the Treasury, a Secretary of War, and an Attorney-General. The latter officer was not head of a separate department until the Department of Justice was created in 1870.

Other executive departments have been added in the following order:

Navy Department, in 1798.
Post-Office Department, 1829.[1]
Department of the Interior, 1848.
Department of Agriculture, 1889.
Department of Commerce and Labor, 1903.
Department of Labor (separated from Commerce), 1913.

The heads of these departments act as advisers to the President and make up his Cabinet. The President is

[1] The postal service has existed since colonial times, but was not a separate department until 1829.

**PRESIDENT WILSON AND HIS CABINET IN 1919.**

*Top Row.* Postmaster General Burleson, Secretary of War Baker, Secretary of Agriculture Houston. *Second Row.* Secretary of Labor Wilson, President Wilson, Attorney General Gregory (resigned 1919). *Third Row.* Secretary of Interior Lane, Secretary of Commerce Redfield. *Fourth Row.* Secretary of State Lansing, Secretary of Navy Daniels. *Last Row.* Secretary of Treasury Glass, Attorney General Palmer (appointed 1919).

under no obligation to consult with his Cabinet and need not follow its advice. Meetings of the Cabinet are usually held twice a week during the sessions of Congress and at any other time when the President desires.[1] Cabinet meetings are held in secret, and no record of the meetings kept. The heads of executive departments are appointed by the President "by and with the advice of the Senate," and they may be dismissed at any time by the President. No Cabinet member may have a seat in Congress. Cabinet members receive a salary of $12,000 each, which is not more than enough to pay their necessary expenses.

**The English Cabinet.** — The President's Cabinet received its name from the English Cabinet. Like the President's Cabinet the members of the English Cabinet are heads of executive departments. The English Cabinet is also unknown to the English Constitution, and no record is kept of its meetings. In other respects the two cabinets are very different. Members of the English Cabinet are nominally appointed by the crown, but actually the king must respect the wishes of the majority in the House of Commons. When a new Cabinet is required, the king sends for the recognized leader of the party which has a majority in the House of Commons and asks him to select a Cabinet. Cabinet members are chosen by the political leader after consultation with prominent members of the party, or rather "they have, so to say, chosen themselves by a career of steady success in the debates of the houses: they have come to the front by their own efforts, by the force of their own ability, and represent, usually, tried

[1]President Wilson, however, early in 1913, renewed the custom of holding Cabinet meetings only upon call of the President.

parliamentary capacity. Such capacity is necessary for their success as ministers; for when they have entered the Cabinet, they constitute, in effect, a committee of the majority of the House of Commons, commissioned to lead Parliament in debate and legislation, to keep it — and, through it, of course, the country at large — informed concerning all important affairs of State which can prudently be made public, and to carry out in the conduct of the government, the policy approved of by the representatives of the people."[1] Members of the English Cabinet must be chosen from among the members of Parliament, usually the House of Commons, and they keep their position as legislators. There is, therefore, a union between the legislative and executive departments. A great advantage in the English system is that heads of executive departments, who are supposed to be well informed concerning subjects relating to their departments, may speak in Parliament on legislation affecting their departments. This is impossible in the United States since members of Congress may not continue to be Congressmen if they become members of the Cabinet.

Should the ministers of the English Cabinet be defeated in Parliament on an important measure, or should a vote of censure be passed upon them by the House of Commons, they must resign, or, if the defeated Cabinet thinks the House of Commons does not express the feelings of the voters, they may ask the king to break up Parliament and order a new election. If the party of the ministry wins in the election, the Cabinet remains unchanged, otherwise all must resign. This is in effect a "referendum" on important political questions.

[1] Wilson, "The State," p. 384.

**The Executive Departments.** — Each Cabinet officer is, in addition to being an adviser to the President, the head of an executive department. He is obliged to submit an annual report to the President, which describes the work of his department for the year, and may suggest needful legislation. The head of each department is called a secretary, except in the case of the Post Office Department, whose head is the Postmaster-General, and the Department of Justice, whose head is the Attorney-General.

Every department has one or more assistant secretaries. The work of the departments is divided into bureaus, and bureaus in turn are divided into divisions. At the head of each bureau is a commissioner, and there is a chief of division in charge of each division.

**The Department of State.** — The Secretary of State is regarded as holding the most important place in the Cabinet. All correspondence with foreign powers is carried on by the Secretary of State under the direction of the President. Through him, also, the President and the governors of the various states communicate. The Secretary of State has charge of the great seal of the United States, which he attaches to all proclamations of the President, and to commissions, warrants for pardon, and other official papers. All laws and reso utions enacted by Congress are duly published by the government, and certified copies are forwarded by the Department of State to the governors of all the states. Passports for American citizens who desire to travel abroad, and written recognitions to consuls of foreign countries, are sent out from this department. The office of Secretary of State has been filled by some of the most eminent of American statesmen. Among these have

been Jefferson, Madison, Monroe, John Quincy Adams, Henry Clay, Daniel Webster, John C. Calhoun, Edward Everett, William H. Seward, James G. Blaine, and John Hay.

**The Diplomatic Service.** — The United States is represented by an official at the capitals of foreign nations, and in like manner, foreign nations are represented in Washington. The United States has four classes of diplomatic representatives — ambassadors, envoys extraordinary and ministers plenipotentiary, ministers resident, and chargés d'affaires, who are less important officials temporarily in charge of a legation. Until 1893 the United States was not represented by officers of the highest rank, but now ambassadors are sent to Great Britain, France, Italy, and other of the larger countries. The rank of ambassador was created in order that the United States might have representatives whose official dignity would be as great as that of representatives of other first-class powers. Diplomatic officers of a lower grade than ambassadors are sent to the less important nations.

Through the diplomatic officers the Secretary of State communicates with foreign powers. They are also the official representatives of the United States on important public occasions, and have general care of the interests of the United States in the countries to which they are sent.

The highest annual salary paid ambassadors is $17,500; ministers receive from $10,000 to $12,000. These salaries are very low as compared with sums paid by the other first-class powers; the British ambassador at Washington receives an annual salary of $32,500, and the British ambassador at Paris receives a salary of $40,000. Besides their

salaries most foreign powers of the first rank furnish their ambassadors with residences. Members of the diplomatic service have so many social duties that only very rich men can afford to represent the United States.

The diplomatic representatives are appointed by the President, with approval of the Senate. They are usually men who have rendered some service to the party in power, and their term of office is seldom longer than eight years. No opportunity is afforded for men to devote their lives to this service, though foreign nations offer such opportunities to their ministers. However, as a rule, American ministers to the great powers have been men of great ability, who have been able to represent the United States in a manner acceptable to all concerned.

**The Consular Service.** — A bureau of the Department of State is devoted to the consular service. The United States sends consuls to all important commercial cities in foreign countries. The consuls have numerous commercial duties. They certify invoices,[1] take testimony, look after American seamen and travelers, and make reports on trade conditions, taking especial interest in opportunities for American trade. In addition to commercial duties, some consuls have judicial functions. In Turkey and China, where the local courts cannot be trusted, consuls act as judges in criminal cases between two Americans or an American and a native. Consuls may also investigate crimes which occur on American vessels on the high seas.[2] There are three prin-

[1] An invoice is a detailed written account of goods shipped.

[2] The term "high seas" refers to the sea beyond the limit of three miles from shore; within that limit the ocean is under the rules of the nation which possesses the adjoining land.

cipal grades in the consular service: consuls-general, consuls, and consular agents. A consul-general is located in the capital of the country to which he is sent, and has general charge over all the consular offices in the country. The highest salary paid in the consular service is $12,000, the amount received by a few consuls-general; the usual salary varies from $2,000 to $5,000. In an important city, unofficial fees, such as for the acknowledgment of legal papers, may add a few hundred dollars to the consul's income.

The *Consular Reports*, published by the Consular Bureau, is composed of reports made by the American consuls regarding trade conditions and opportunities in their respective cities; these reports are of great value to American merchants engaged in foreign trade.

**The Treasury Department.** — The Secretary of the Treasury is regarded as holding an office second in dignity to that of the Secretary of State, but actually his office is fully equal in importance. The Secretary of the Treasury is obliged to see that the revenues of the United States are large enough to meet his expenses. He submits annually to Congress a budget, or an estimate of receipts and expenses for the coming year. Through the budget and his annual report the Secretary of the Treasury may exercise a great influence on the financial policy of the nation. Hamilton, as Secretary of the Treasury, had a political influence second to no statesman whom America has produced.

The Secretary of the Treasury has charge of the management of all financial affairs of the government. Under his direction money is coined and United States notes and

bonds are printed and issued. National banks are under the supervision of an officer of the Treasury Department.

**The War Department.** — The Secretary of War is seldom a man of military training, but he is the real commander of the army, acting for the President, who is Commander-in-Chief. The various bureaus are in charge of officers of the United States Army, who, together with the commanding general of the army, make up the General Staff. The General Staff has supervision over the entire army, and in time of war is responsible for the planning of military campaigns.

The strength of the army at the opening of the great war was about 190,000. The great war, as explained later, vastly increased the army. Each state has a militia, called the National Guard, and Congress aids in the equipment of these troops, which answer the purpose of a reserve army.

The Secretary of War has charge of the Military Academy at West Point, which has been maintained since 1802 for the training of officers for the army.

Each Congressional district and each of the territories, as well as the District of Columbia and Porto Rico, is entitled to one cadet; each state may have two additional cadets, and forty are appointed from the country at large. In order to increase, for a short time, the number of officers for the army, a law provides that, from July 1, 1910, to July 1, 1916, whenever a cadet shall have finished three years of his course at the Academy, his successor may be admitted. Appointments from Congressional districts are made by the Congressman or the territorial delegate, state appointments are made by the two senators, and

appointments at large are made by the President. Every applicant for admission is required to pass a physical and mental examination. If he should fail in this examination, his place is filled by the one of the two substitutes who have been chosen at the same time he was appointed who passes the highest in the examination. After completing the four years' course in the Academy, cadets are commissioned as second lieutenants in the United States Army.

The Department of War has supervision of the engineering work of the government, and the improvement of rivers and harbors, and must see that they are free for navigation. The Secretary of War has charge of all national cemeteries.

**The Navy Department.** — Until the creation of a Navy Department, in 1798, naval affairs were intrusted to the War Department. To the United States, the navy has always been important both on account of our extensive sea coast, and because there is no power in either of the Americas strong enough to attack us, and, therefore, any really dangerous enemy must attack us by sea. Since the war with Spain, the navy has become of increased importance because of the island possessions of the United States.

The Secretary of the Navy has charge of the building, equipment, and employment of the navy of the United States. The great Naval Observatory at Washington and the Naval Academy at Annapolis are under his direction. The Naval Academy was established in 1845. Midshipmen, as students in the Naval Academy are called, are appointed and examined in a manner similar to the appointment of cadets in the Military Academy. The course at Annapolis extends over a period of four years.

**The Department of the Interior.** — The Interior Department was established in order to provide for certain duties which could not properly be given to any existing department. Its functions are many and varied.

The Commissioner of Pensions examines and acts upon all applications for pensions and has general charge of all pension matters.

The United States, has been more generous in dealing with its soldiers, and sailors than any other nation in the history of the world. There are now on the pension rolls about 860,000 names, and to these persons an amount of about $150,000,000 is paid yearly.

The United States already liberal in dealing with its brave ex-soldiers showed even more generosity by a new pension law in 1912. According to the terms of this law any honorably discharged ex-soldier or sailor, who served in the war with Mexico or in the Civil War and received an injury in battle, or in line of duty, and by reason of such injury is now unable to do manual labor, shall receive a pension of thirty dollars a month. The law gives also a pension of $13 a month to every ex-soldier and sailor who served ninety days during the Civil War and was honorably discharged, and who has reached the age of 62 years. This amount increases with the time served and the age of the pensioner, until those who served two years or over and are 75 years of age receive a pension of $30 a month, without regard to any injury received while in the service, and without regard to their present financial condition.

The Commissioner of Indian Affairs has charge of the education and government of the Indians, with the exception of some tribes whom former treaties have left free to care for themselves.

The government no longer treats Indian tribes as independent nations, but regards them as in the care of the United States. Indian agents are sent to each reservation, as the tracts of land reserved for the Indians are called, and they have charge of all matters there. Cattle, food, clothing, and agricultural implements are distributed among the Indians by the Indian agents.

The United States expends yearly for the benefit of the Indians about $18,000,000, of which almost $4,000,000 goes to the support of schools for Indians. Though the United States has made an honest effort to deal fairly with the Indian question, it still remains a difficult problem. In twenty years about $45,000,000 has been expended by the government for the education of the Indians, but not more than one in six is able to read. Doubtless a recent Commissioner of Indian Affairs was correct in stating that the Indians should be taught a trade and encouraged to seek outside opportunities for work, and not to be held in reservations dependent upon public aid. In 1912 there were in the United States 327,348 Indians, of whom 117,444 were in Oklahoma. In 1915 there were 4,845 Indians on reservations in New York.

The Commissioner of Education collects and publishes information in regard to schools, methods of instruction, discipline, etc.

The Commissioner of Railroads has charge of the government's interests in certain railroads that extend across the continent. Congress, in 1862 and 1864, granted to several railroads certain lands bordering upon their right of way, and authorized the railroads to borrow money from the public upon 6 per cent. bonds on which the government guaranteed the interest. The lands were given to the

roads, but the borrowed money was to be repaid to the bondholders.

The Commissioner of Patents has charge of the granting of patents. The Director of the Geological Survey investigates the geological structure of various parts of the country and sends out reports which give the results of his labors. His work includes plans for the irrigation[1] and improvement of waste lands.

**Post Office Department.** — The Postmaster General has charge of the United States postal service. There are over seventy-five thousand post offices in the United States, and by far the greater number of the postmasters in charge of these offices are appointed by the Postmaster-General. Only about 5,000 postmasters, whose salaries are over $1,000 each, are appointed by the President with the consent of the Senate.

More officers are appointed by favor in the Post Office Department than any other of the departments, as many of these officials are not under the civil service rules. As a result there is a change of postmasters throughout the country with every political change, and the service is injured thereby. The less important employees of the post office, such as mail clerks and carriers, are under Civil Service rules. The railway mail clerks are also thus protected.

The Post Office Department conducts one of the greatest business enterprises within the United States. The expenses of the department are about two hundred and fifty million dollars a year. The department is not managed

[1] By irrigation is meant the causing of water to flow over land to make it more fertile.

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POST OFFICE AT JACKSONVILLE, FLORIDA, — ERECTED BY THE FEDERAL GOVERNMENT

for the sake of making money, but for the public advantage.

In 1883 rates on letters and newspapers were greatly reduced and a further reduction was being considered when the World War broke out. This made necessary a considerable rise in postage, which will be reduced when normal conditions again prevail.

Free delivery is furnished in all cities and large towns, and in 1897 the sum of $40,000 was expended for a trial of rural free delivery. The experiment of rural free delivery was a success, and this has now become an important part of the service.

The post office registers valuable letters and insures parcels at a cost which is slight in comparison with the service rendered. Valuable parcels should always be insured. All large offices sell money orders, by means of which money may be cheaply and safely sent to all parts of our own country or foreign places.

The Post Office Department has also a postal savings department in which money may be deposited with a certainty that it will be safe.

On January 1, 1913, a parcels post was established and the weight limit on packages was increased from four to eleven pounds.

On February 26, 1918, the limit of weight was increased to seventy pounds within the first, second, and third zones and for other zones to fifty pounds. An experiment of sending first-class mail matter by airplane between Washington, Philadelphia, and New York was inaugurated in 1918. The experiment is still under trial and may be extended to other districts.

The United States is a member of the Universal Postal

Union, which includes all the civilized nations of the world. Members of this union agree upon a uniform rate for foreign mail, and make communication between the countries as easy as possible.

**The Department of Justice.** — The Attorney-General has always been a member of the Cabinet, but a separate Department of Justice was not established until 1870. The Attorney-General is legal adviser to the President and to the heads of departments in their official capacity. He has charge of cases to which the United States is a party, and sometimes appears before court as the attorney for the United States. Marshals and district-attorneys are under his supervision.

**The Department of Agriculture.** — The Department of Agriculture was organized as a separate department in 1862, but not until 1889 did the head of the department become a cabinet member. The department investigates injurious plants and animals, and endeavors to find the best means for their destruction. Fertilizers and soils are investigated and the results published by the department. The department has done much to make agriculture more scientific.

The Bureau of Animal Industry inspects herds of cattle, and causes those that have contagious diseases to be destroyed. A large part of the meat shipped from the West to eastern markets is inspected, and most of the cattle and meat intended for export is inspected. This bureau also investigates diseases of animals, and endeavors to find the best methods of treatment.

The department tests seeds, and distributes a limited

quantity of "rare and valuable" seeds throughout the country for the purpose of improving the quality of products and introducing new varieties.

The Weather Bureau of the department sends daily forecasts to stations throughout the country. The bureau is desirous that its forecasts and weather charts should be displayed in every village throughout the country, and as far as practicable it will send messages at the expense of the bureau to one person in every town, provided that person will publish the reports for the benefit of the public.

On the Atlantic coast the bureau displays storm signals at one hundred and forty-one stations.

Undoubtedly the Weather Bureau has saved large sums to farmers as well as to those interested in shipping.

**Department of Commerce.** — The needs of commerce are the concern of this department. Bureaus of this department have charge of lighthouses, fisheries, navigation, coast surveys, foreign and domestic commerce. One of the most important duties of the Department of Commerce is exercised by the Census Bureau.

The Census Bureau, formerly under the Department of the Interior, has been made a permanent bureau. It publishes a census every ten years, which includes information in regard to population, wealth, vital statistics,[1] agriculture, and manufactures. During the ten-year interval between one census and the next, the bureau collects information on various subjects, and publishes occasional bulletins based thereon and on the census itself. The establishment of a permanent Census Bureau in 1902 made it possible for the government to be served by skilled specialists, and

the census of 1910 showed the value of a permanent Census Bureau.

**Department of Labor.** — This is the most recently organized department; as its name indicates it is concerned with gathering information in regard to labor and industry and in endeavoring to better labor conditions in the United States. The reports of this department are among the most valuable of any issued by this or any other nation.

The Bureau of Immigration has charge of executing the immigration laws of the United States, and the Bureau of Naturalization endeavors to assist in making good Americans of the immigrants who are admitted.

**Separate Commissions and Boards.** — A number of commissions and boards exercise executive functions independent of the executive departments. The commissions are as follows: Interstate Commerce Commission, Fish Commission, and Civil Service Commission.

Special boards are in charge of the Congressional Library, the National Museum, Bureau of Ethnology,[2] the Smithsonian Institute, and the Government Printing Office.

The Government Printing Office is the largest printing establishment in the world. In it all the reports of the government are printed.

[1] Vital statistics are those that deal with the length of life of the people.

[2] Ethnology is the science which treats of the different races of men.

## QUESTIONS ON THE TEXT

1. Name in order of rank the officers who make up the President's Cabinet.

2. Compare the American Cabinet with the English Cabinet.

3. Describe the Diplomatic Service and the Consular Service of the United States.

4. Give the name of the executive department which has charge of (*a*) patents, (*b*) transportation of the mails, (*c*) Indian affairs, (*d*) collection of duties on imports, (*e*) passports, (*f*) pensions, (*g*) the census.

## QUESTIONS SUGGESTED BY THE TEXT

1. Give the names of the present members of the President's cabinet.

2. Describe the "Indian Problem" of the present time.

3. Prepare a list of Presidents who have been Secretaries of State. Why is it no longer common for a Secretary of State to become President?

4. Of what advantage are the postal savings bank and the parcels post to the ordinary citizen?

## CHAPTER XX

### THE NATIONAL LEGISLATURE

**Congress.** — The legislative branch of the United States Government consists of a Congress made up of two houses, a Senate and a House of Representatives.

Congress meets every year on the first Monday in December, but the life of each Congress extends over two sessions. The first session, known as the long session, often lasts until midsummer, but must not last beyond the first Monday in December; the short session lasts from December until the fourth of March, at which time the terms of all representatives and one-third of the senators expire. Long sessions end in even years, and short sessions in odd years. The President may call an extra session whenever the public welfare requires it.

**The Senate.**— The senate is called the "upper house" of Congress. Each state may be represented by two senators chosen by the state legislatures for a term of six years. The plan of having senators elected by the state legislatures was favored in the Federal Convention, both because it would give the state a voice in the national government, and because it was thought that indirect election would result in the choice of men of wealth and social standing, who would serve as a check upon the more democratic house. The Senate was intended to be a conservative body.[1]

[1] A conservative political party is one which favors existing institutions, and is opposed to changes.

In order to make the senate a permanent body, and put it more closely in touch with the people, it was arranged that one-third of the senators would retire at the end of each term of Congress. This was accomplished by dividing the senators into three classes after the first election: the members of the first class were to retire after two years; those of the second class after four years; those of the third class were to serve the full term of six years. At subsequent elections, senators were elected for a six years' term. When new states enter the Union their senators are so appointed as to continue this plan. Senators from the same state always retire from office at different times.

Should a vacancy in the senate occur by resignation or otherwise during the recess of the legislature of the state concerned, the governor thereof may make a temporary appointment until the next meeting of the legislature, which shall then fill such vacancy.

**Qualifications of Senators.** — The Constitution provides that in order to be eligible to a seat in the senate, a person must be at least thirty years of age, must have been for nine years a citizen of the United States, and must, at the time of his election, be an inhabitant of that state for which he is chosen. No person holding any other office under the United States may be a member of either house.

**Election of Senators.** — According to the Constitution, "the time, places, and manner of holding election for senators and representatives shall be prescribed in each state by the legislature thereof, but the Congress may at any time make or alter such regulations, except as to the places of choosing senators." Congress did not make any such

regulation until 1866, when an act was passed which provided that each state legislature which is chosen next preceding the expiration of the term of either of the state's senators, shall have a session for the purpose of electing a senator on the second Tuesday after assembling. The following method of election was established by the act: each house shall vote separately by open ballot, and he who receives the majority vote of that house shall be so recorded upon the journal of that house; the two houses are to meet together on the following day at 12 M., and if the same person has received a majority of votes in each house, he is declared elected; in case no one has a majority vote in each house, the assembly made up of the two houses votes, and if any one receives a majority vote he is declared elected; should no person be elected on the first day, the two houses meet together each day, and take at least one vote until a senator is elected or the legislature adjourns. There has frequently been great disorder at the elections of senators, and sometimes legislatures have failed to choose a senator.

For many years there has been a strong feeling in favor of the election of senators by popular vote, and, in a few states, the people have gained the right to show their preferences among the candidates by a "primary." The effect of popular elections of senators has sometimes been secured by making the election of a senator a question before the people in choosing members of the state legislature. A famous example of this was afforded by the Douglas-Lincoln canvass[1] of 1858.

In 1912 the two houses of Congress acting together adopted a resolution proposing an amendment to the Con-

[1] A canvass is an organized effort to obtain votes.

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stitution according to the terms of which senators are to be elected by popular vote. This amendment reads as follows:

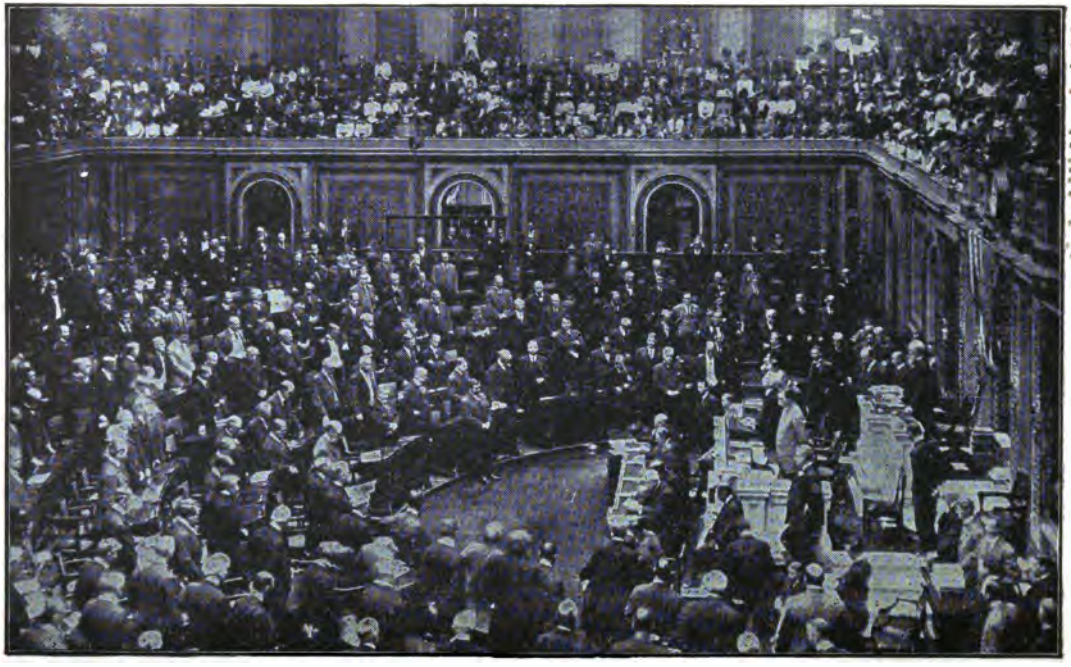
"The Senate of the United States shall be composed of two senators from each state, elected by the people thereof, for six years; and each senator shall have one vote. The electors in each state shall have the qualifications requisite for electors of the most numerous branch of the state legislature.

"When vacancies happen in the representation of any state in the senate, the executive authority of such state shall issue writs of election to fill such vacancies: Provided, That the legislature of any state may empower the executive thereof to make temporary appointments until the people fill the vacancies by election as the legislature may direct.

"This amendment shall not be so construed as to affect the election or term of any senator chosen before it becomes valid as part of the Constitution."

This amendment was ratified and became a part of the Constitution of the United States in 1913.

**The House of Representatives.** — The House of Representatives represents the nation just as the senate represents the states. Members of the house are chosen by direct vote for a term of two years. Each state has a number of representatives in proportion to its population, though each state must have at least one representative. At the time of the Federal Convention, some states required higher qualifications of electors for the higher than for the lower house of their state legislatures. In order to secure a really popular election for representatives the Constitu-



SCENE IN UNITED STATES HOUSE OF REPRESENTATIVES

tion provided that "the electors of each state shall have the qualifications required for electors of the most numerous branch of the state legislature." The qualifications for electors are thus left to the states, with the exception that no state may deny the right to vote on account of race, color, or previous condition of servitude. The Fourteenth Amendment also provides that if the right to vote for presidential electors or representatives is denied, except for rebellion or crime, to any male inhabitants, who are citizens of the United States, the basis of representation in that state shall be reduced "in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such state."

**Qualifications for Representatives.** — In order to be eligible to membership in the House of Representatives, a man must be at least twenty-five years of age, and must have been a citizen of the United States for at least seven years and must, at the time of his election, be a citizen of the state from which he is chosen. No person holding any other office under the United States may be a member of the house. It is customary for representatives to be inhabitants of the districts from which they are elected, but there have been numerous exceptions to this rule.

The house, like the senate, may exclude from membership persons whom it considers unfit on account of their character to have seats in that body.

**Apportionment of Representatives.** — The number of representatives which each state may have depends upon its population as determined by the United States Census. Congress decides upon some unit of representation, and

the states are given representatives for each unit of representation in their population, and also a representative for a fraction of a unit over one-half. At present the unit of representation is 212,404, and the house has 435 members. States with a population of less than 212,404 have one representative.

**Congressional Districts.** — Before 1840 some states elected members of the house by districts and some from the state at large. In that year, Congress, however, passed a law requiring that states should be divided into districts for the purpose of electing members of the house, except that if on account of additional population the state has been given new representatives, they may be elected at large until the state is divided into new districts. The division of the states into districts is done by the state legislatures. Districts must be made up of united territory, and must contain as nearly as possible an equal number of inhabitants. In dividing states into districts, the legislatures have frequently resorted to gerrymandering.

**Privileges and Remunerations of Members of Congress.** — Members of Congress are exempt from arrest in all civil cases and in most criminal cases during a session of Congress and while on their way to and from a session. No member may be prosecuted for slander on account of words spoken in debate. Members are privileged to send their letters through the mail without paying postage, but this privilege is supposed to apply only to official letters. Each member of Congress receives a yearly salary of $7,500 and mileage[1] at the rate of twenty cents a mile for the round

[1] Allowance for traveling expenses at a certain rate per mile.

trip, an amount far greater than the actual traveling expenses. Many attempts have been made to reduce the mileage allowance, but without success. The Speaker of the House receives a salary of $12,000 a year, being the same amount as that received by the Vice-President and Cabinet members.

### ORGANIZATION AND METHODS OF CONGRESS

**Organization of the Senate.** — The Vice-President of the United States presides in the senate, and on the first day of a new Congress administers the oath of office to newly elected senators. The Vice-President has little political power, and his only duties are to preside and cast a deciding vote in case of a tie. There are between fifty and sixty committees of the senate, the exact number differing from time to time. Among the most important committees are those on Foreign Relations, Privilege and Elections, Judiciary, Commerce, Finance, and Appropriations. The members of committees are elected by ballot, party caucuses having in advance determined the choice of each party. Committees are always made up of odd numbers, the majority being from the party in power at the time.

The Constitution gives each house the power to "determine the rules of its procedure." The rules of the senate are simple and not often changed. They cover the introduction of bills, order of business, rules of debate, and the preserving of order.

Debate in the senate is much freer than in the house and the proceedings are much more dignified.

**The Organization of the House of Representatives.** — The Speaker of the House is the most important officer of

the House, and has more power than any other legislative officer of the United States. The name comes from the Speaker of the House of Commons, but his office is very different. The English Speaker is supposed to show no party preferences, but the American Speaker is the leader of his party. Until recently, the Speaker of the House appointed all committees, but the rules of the house were amended in 1911 in such a manner as to take the power away from the Speaker and place it in the hands of the members of the house.

There are usually about fifty-five house committees, of which the most important is that on Ways and Means, whose duty is to consider all matters relating to customs, duties, and taxes.

Other important committees are those on Elections, Appropriations, Rules, Foreign Affairs, Manufactures, Commerce, and Labor. The party not in power is given representation on all committees.

The Speaker exercises much political power through his right of recognition. No one may address the house without being recognized by the Speaker. No doubt it was originally intended, as it was for many years the practice, for the Speaker to recognize the member who first addressed him, but it has come about that the Speaker uses this power for political purposes and recognizes such persons as he wishes.

When a member rises for recognition the Speaker may ask "For what purpose?" and may recognize him if the purpose be satisfactory. The power of the Speaker is not, however, absolute, being limited by the rules of the house, the practice of previous speakers, and parliamentary usage, as well as by the Constitution of the United States.

**Criticism of the Committee System.** — Every bill presented in either house of Congress is given over to an appropriate committee. The power of the committee over bills which have been referred to it is very great.

A committee may change a bill so that it is entirely different from the original bill; it may refuse to report a bill; or it may report it so late in the session as practically to prevent action. Most bills "die in committee."

Mr. Bryce and other critics have found many faults in the American committee system:

1. It destroys the unity of the house, since the practical work of legislation is in committee.

2. It prevents the capacity of the ablest members from being brought to bear upon any one bill. With the exception of the most important committees, the majority of each committee is made up of men of only ordinary ability.

3. It hinders debate.

4. It gives opportunities for the working of underhand and even corrupt influences. In a committee the voice of each member is important and one may be corruptly influenced without much danger of exposure.

5. It reduces responsibility. "In England if a bad act is passed or a good bill rejected, the blame falls primarily upon the ministry in power whose command of the majority would have enabled them to defeat it, next upon the party which supported the ministry; then upon the individual members who are officially recorded to have 'backed' it and voted for it in the house. . . . But in the United States the ministry cannot be blamed, for the Cabinet officers do not sit in Congress; the house cannot be blamed, because it has only followed the decision of its

committee; the committee may be an obscure body whose members may be too insignificant to be worth blaming."[1]

The merits of the committee system are equally conspicuous and have not failed to attract the attention of Mr. Bryce. The chief advantages are as follows:

1. It enables Congress to deal with more measures. Worthless bills are easily killed in committee, and an immense saving of time results. Congress could not consider one-tenth of the bills presented.

2. The committee system permits evidence to be taken. Committees frequently permit friends and enemies of a bill to present arguments.

3. It permits Congress to investigate the conduct of the executive departments. The conduct of any executive department may be investigated by a committee.

4. It gives members work to do. Every member of Congress is appointed on one or more committees. Men of keen business ability may make their influence felt in committee, though they may possess no qualifications for speaking in a large assembly.

5. It offers a needed means of coöperation between executive and legislative departments. Heads of departments may appear before committees.

**Committee of the Whole.** — One committee, much employed in the house, is the "Committee of the Whole." This is really a method whereby greater freedom of debate is permitted in the house. When the house goes into Committee of the Whole, the Speaker leaves the chair, after having appointed some other member to preside.

The presiding officer of the Committee of the Whole

[1] Bryce, "American Commonwealth," Vol. I, p. 161.

cannot compel any member to attend, nor can he maintain order by force. Great freedom of debate is permitted in Committee of the Whole, and some of the most notable speeches have been delivered when the house has been thus organized. When the committee has finished its business it rises and reports to the House, which may act on the report of the Committee of the Whole as it sees fit. The rules of the house require that bills relating to the levying of taxes and the appropriation of money must be considered in Committee of the Whole.

**The Making of a Law.**— A proposed law is known as a bill. Bills may be introduced in either house, except that revenue bills must be introduced in the House of Representatives. The introduction of a bill is a very simple matter; the bill is simply placed upon the desk of the presiding officer or clerk, and after being read by title is given over to an appropriate committee. Should the bill be reported by the committee, it is read a second time and placed upon the "calendar." This does not guarantee that the bill will ever be acted upon, as bills are not always taken from the calendar in order.

When a bill is taken from the calendar it is read a third time and may be debated. In the House there is ordinarily little chance for debate, as the Speaker usually recognizes only those who have previously obtained his consent, or the consent of the chairman of the committee which reported the bill. Moreover, debate may be closed at any time by having a member of the majority move the "previous question," which, if carried, compels an immediate vote.

In the Senate debate is more encouraged. The Vice-

President exercises no such authority as the Speaker, and debate is not so limited by the rules. In taking a vote, the usual method is for the presiding officer to call for those in favor to say "Aye" and then for those opposed to say "No." The decision is given in favor of the side that has apparently the largest number of supporters. If the vote be in doubt, or a member requests it, a rising vote is taken. When the decision is still doubtful, or if demanded by one-fifth of a quorum, the clerk calls the list of members, and the vote of each is recorded. In the last manner of voting "pairs" are permitted, which means that two members, both desiring to be absent, may agree that they shall be recorded as voting upon opposite sides whether present or not during the period of agreement. A bill having passed one house, receives the signature of the presiding officer and is sent to the other house. Here it goes through the same process again. The second house may pass, amend, or reject a bill. In case a bill is amended it must again pass the house in which it originated. Should the amendment not be satisfactory, the two houses appoint a conference committee, made up of members from both houses, which endeavors to arrive at a compromise. A bill having passed both houses is sent to the President with the signatures of the presiding officers of both houses attached. Should the President approve the bill it becomes a law to take effect as provided. A bill disapproved by the President becomes a law if repassed by a two-thirds vote of senate and house.

**Filibustering.** — In order to prevent legislation on some matter of great importance, the minority may resort to measures intended to delay or prevent action, commonly called "filibustering." By calling for the ayes and noes,

by making motions to adjourn, by points of order, by amendments, etc., it has sometimes been possible to prevent action or to weary the majority until it will accept a compromise. In the house, the Speaker, by refusing to recognize a member or by refusing to listen to a motion which he considers to have been made merely for the purpose of delaying action, may discourage filibustering. Prolonged debate is cut off in the house by moving the previous question. In the Fifty-First Congress, the minority attempted to delay action by refusing to vote when the roll was called, and less than a quorum having voted, the point of order would be raised that there was "no quorum."

Speaker Reed resorted to "counting a quorum," by ordering the clerk to count as present those members who were in their seats, but had not voted. This precedent has since been followed.

In the senate, filibustering is possible by means of long speeches. On the Federal Elections Bill of 1890–1891, twenty-five long speeches were delivered by members of the minority party and they announced their ability and intention to talk indefinitely. The majority of the senate usually wins in the end by all-night sessions, the members relieving one another in attendance.

**Congressional Publications.** — All speeches delivered in Congress are published in full in the *Congressional Record*, a paper published daily during sessions of Congress. Oftentimes the *Congressional Record* contains a long speech which was actually never delivered, the member having made a few remarks and obtained *leave to print* the entire speech. Reprints from the *Congressional Record* may be obtained by members and are extensively circulated among

their political friends. A bi-weekly *Journal* gives a summary of all bills introduced and all votes.

**Comparison of Congress with the British Parliament.** — When the Constitution of the United States was adopted, Congress resembled Parliament in many ways. The American senate was in many respects like the House of Lords, and our House of Representatives was not unlike the House of Commons. Since 1787, both Congress and Parliament have changed. The House of Lords has long ceased to be equal to the House of Commons, and since the reform bill of 1911 has become comparatively of little importance. Since 1911, the House of Lords has been denied the power to amend or reject a bill for the appropriation of money, or for the levying of a tax, or for the making of a loan. This gives the House of Commons complete power over all money bills, while our House of Representatives is merely the house in which money bills must originate. The House of Lords cannot prevent any bill from becoming a law if the House of Commons insists that it shall be passed. When any measure, other than a money bill, has passed the Commons in three successive sessions it becomes a law, notwithstanding its rejection or amendment by the Lords, provided that at least two years have passed between the introduction of the bill into the House of Commons and the date on which it passes that house for the third time. The House of Lords has remained an aristocratic body, but has lost practically all its former powers; the senate, on the contrary, has become more democratic and has kept all its powers.

The House of Commons has become a really democratic body and now exercises almost complete power to legislate.

There is no power above it to veto its acts, and the House of Lords can only postpone the passage of some of them for a few years. Members of the House of Commons now receive a yearly salary of £400.

Women over thirty years of age have enjoyed national suffrage in Great Britain since 1918.

## QUESTIONS ON THE TEXT

1. Explain why the Constitution provides that the term of a member of the House of Representatives shall be shorter than the term of a senator.
2. One-third of the members of the Senate are chosen once in two years. Give reasons for the gradual change in membership.
3. Mention two respects in which the government of the United States and that of Great Britain agree.
4. How does the organization of the Senate differ from that of the House of Representatives?
5. Show the importance of the office of Speaker of the House.
6. Criticise the committee system of Congress.
7. Show briefly how a United States law is made.

## QUESTIONS SUGGESTED BY THE TEXT

1. What are the advantages and disadvantages of a Congress composed of two houses?
2. It is a custom that Representatives should reside in the districts which they represent. Show the advantages and disadvantages of this custom, and compare with the English practice. Bryce "American Commonwealth," Vol. I, Chap. XIX.
3. Should senators be elected by popular vote? Bryce, "American Commonwealth," Vol. I, Chap. XI.
4. Name six of the most famous senators and representatives of the present Congress and tell for what each one is noted.
5. Does the individual voter of New York have as great an influence on Congress as the voter of Mississippi?

## CHAPTER XXI

### THE POWERS OF CONGRESS

**Powers Granted to Congress.** — The Constitution of the United States gives the powers which are granted to Congress, those which are denied Congress, those denied the states, and those which are denied both Congress and the states. The Tenth Amendment declares "that powers not delegated to the United States by the Constitution nor probibited by it to the states, are reserved to the states respectively, or to the people." Certain powers, such as the power of taxation, may be exercised by both states and nation. In case of conflict of authority, the Supreme Court has held that the state government must yield to the nation. The following powers are specifically granted[1] to Congress:

1. To lay and collect taxes, to lay and collect duties on imports, and to pay the debts and provide for the common defence and *general welfare* of the United States, but all duties and taxes shall be uniform throughout the United States.

2. To borrow money.

3. To regulate commerce with foreign nations, among the several states, and with Indian tribes.

4. To establish a uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States.

[1] Const. Art. I, Sec. 8.

5. To coin money, regulate the value thereof and of foreign coin, and fix the standard of weights and measures.

6. To provide for the punishment of counterfeiting the securities and current coin of the United States.

7. To establish post offices and post roads.

8. To promote the progress of science and the useful arts by securing for limited times to authors and inventors the exclusive right to their respective writings and inventions.

9. To establish courts under the Supreme Court.

10. To define and punish piracies and crimes committed on the high seas and offences against the law of nations.

11. To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water.

12. To raise and support armies, but no appropriation of money to that use shall be made for a longer period than two years.

13. To provide and maintain a navy.

14. To make rules for the government and regulation of the land and naval forces.

15. To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions.

16. To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States.

17. To govern the District of Columbia.

18. To make all laws which shall be *necessary and proper* for carrying into execution the foregoing powers, and all other powers vested by the Constitution in the government of the United States.

**Limitations upon the Authority of Congress.**[1] — The Constitution limits the authority of Congress as follows:

1. The privilege of the writ of habeas corpus shall not be suspended except when in cases of rebellion or invasion the public safety may require.

2. Direct taxes must not be laid unless in proportion to the population of the states.[2]

3. No preference shall be given to the ports of one state over the ports of another.

4. No taxes shall be levied on exports.

5. The first eight amendments, known as the Bill of Rights, prohibit Congress from interfering with certain civil and personal rights of citizens.

**Limitations upon the Powers of Congress and of the States.**[3] — Neither Congress nor the state authorities may pass bills of attainder or ex post facto laws or grant titles of nobility. Nor may slavery legally exist within the United States or any place subject to its jurisdiction.

**Exclusive Powers of Each House of Congress.** — The House of Representatives is granted the following exclusive powers:

1. To initiate revenue bills.

2. To present articles of impeachment.

3. To elect a President in case the Electoral College is unable to elect.

[1] Const. Art. I, Sec. 9.

[2] This limitation has since been rescinded by the passage in 1913 of the XVI Amendment to the Constitution.

[3] Const. Art. I, Sec. 9, 10.

The Senate has the following exclusive powers:

1. To approve or reject the President's nomination of men for certain Federal offices.

2. To approve or reject treaties with foreign powers. For the approval of a treaty a two-thirds vote is required.

In acting on the President's nominations for office and on treaties, the senate may have an executive, or secret, session, a survival of the early days of the Republic when all senate sessions were secret.

3. To try impeachments of the President, Vice-President, and civil (not military or naval) officers of the United States. This judicial function is similar to that exercised by the English House of Lords.

After articles of impeachment have been presented by the House of Representatives, the senate acts for the time as a court, over which the Vice-President, or the President pro tem of the Senate, presides except when the President of the United States is on trial, in which case the Chief-Justice of the United States presides.

The trial is carried on just as in a regular court, and the accused is given every chance to present his side of the case, both personally and by attorney. A two-thirds vote is required for conviction. Should the impeachment succeed, it results in the removal of the defendant from office and disqualifies him from holding any office in the gift of the United States. There have been only nine impeachment trials before the senate, but only three of them all have resulted in convictions. Judge Pickering, a Federal District Judge of New Hampshire, was convicted in 1803 on the charge of making decisions contrary to law and of drunkenness and profanity. Judge Humphries, a Federal District Judge of Tennessee, was impeached in 1862 for

accepting a judicial office under the Confederate government, and was convicted. Judge Archbald, of the recently established United States Commerce Court, was impeached and convicted by the Senate on January 13, 1913, on the charge of using his official position to gain favorable contracts with certain railroads in the purchase of coal banks.

The most famous impeachment trial was that of President Johnson in 1868. The President was accused of violating certain Reconstruction Acts of Congress. The impeachment fortunately failed by one vote.

4. To elect a Vice-President in case the Electoral College is unable to elect.

## QUESTIONS ON THE TEXT

1. Name the powers granted exclusively to Congress.
2. What powers are denied Congress?
3. What powers are denied both Congress and the states?
4. State the exclusive powers which are given respectively to the Senate and the House of Representatives.
5. Describe the method followed in impeachment trials.

## QUESTIONS SUGGESTED BY THE TEXT

1. What advantage is there in the requirement that all revenue bills shall originate in the House of Representatives'?
2. Under what constitutional authority might Congress vote to acquire and operate a railroad?
3. Why does the Constitution permit the senate to have an executive session?
4. Would it be an improvement to permit the passage of measures over the veto of a President by a simple majority vote of both houses?
5. Was it a misfortune that President Johnson escaped conviction in the impeachment trial? What effect might his conviction have had on the office of President?

## CHAPTER XXII

### THE RELATION OF CONGRESS TO COMMERCE

**Commercial Powers of Congress.** — Congress is granted authority "to regulate commerce with foreign nations and among the several states, and with the Indian tribes."[1] This authority is limited by two clauses[2] of the Constitution, one of which prohibits any taxation upon exports from any state, and the other provides that rates of taxation shall be uniform throughout the United States. Under the authority granted by the Constitution, Congress has aided commerce by the erection and maintenance of lighthouses, life-saving stations, improving rivers and harbors, and in many other similar ways.

**Commercial Treaties.** — Commercial treaties are made by the senate for the purpose of aiding the foreign commerce of the United States. Such treaties exist between the United States and all the commercial powers, and have been especially prominent of recent years. By the terms of a treaty of reciprocity, the United States permits certain goods to be imported free of duty, or at a low rate, from a country which grants similar privileges to imports from the United States. The failure of the Senate to ratify recent treaties of this kind will doubtless only temporarily hinder the wide application of this principle.

[1] Art. I, Sec. 8, clause 3.

[2] Art. I, Sec. 9, clause 5. Art. I, Sec. 9, clause 6.

**CULEBRA CUT — PANAMA CANAL**

**The Panama Canal.** — In accordance with the terms of a treaty between the United States and the Republic of Panama, exchanged February 26, 1904, the Republic of Panama granted to the United States the possession and control of a strip of land five miles wide on each side of the proposed canal. The United States paid the old Panama Canal Company of France the sum of $40,000,000 for the work it had done, and paid $10,000,000 to Panama, in addition to which the United States agreed to pay Panama $250,000 yearly, beginning nine years after the date of ratification of the treaty. The Panama Canal was constructed by the War Department, through the Panama Canal Commission. Much credit for the excellence of the work is due to Col. G. W. Goethals and his assistant. By terms of the treaty with the Republic of Panama, the United States guarantees the independence of Panama. The canal is not only of the greatest commercial value, but would be of immense importance to the United States in case of war. Vessels of all nations are given equal privileges in the use of the canal. Between New York and Yokohama the sailing distance is reduced 3,720 miles and Sydney is 3,806 miles nearer New York.

**American Shipping.** — In a number of ways Congress has sought to encourage American shipping. By an act of 1793, which is still in force, foreign vessels are prohibited from engaging in the trade of the United States along the coast, and the dependencies of the United States, by a recent decision of the Supreme Court, are included in this prohibition. American ships are also favored in regard to tonnage duties; foreign vessels are obliged to pay twice as heavy tonnage charges as American ships. In addition to these favors,

Congress has passed an act to the effect that no duties need be paid on shipbuilding material if ships are used in the foreign, or Atlantic and Pacific, trade of the United States.

In order to secure the above advantages, as well as the protection of the United States in any part of the world, vessels must be registered in the United States, and in order to obtain American registry, a vessel must be built within the United States, and must belong wholly to a citizen or citizens of the United States, and the higher officers of the ships must not be subjects of any foreign state.[1]

Before the Civil War the United States had a great merchant marine, but the change to steel vessels caused the merchant marine of this country to decline until in 1914 less than one-tenth of our trade was carried in American ships. Shortly after the United States was forced to enter the World War by the hostile acts of Germany, it became evident that the war would be lost unless more ships were built to carry supplies to England and France, or unless the unlawful submarine policy of Germany could be defeated by destroying the submarines. The United States, in cooperation with our allies, was successful in both endeavors. By Act of Congress a Shipping Board was created with almost limitless resources. During the first year of its operations—August, 1917 to August, 1918—574 ships were launched with a tonnage of 3,017,238. The activities of the Shipping Board were just reaching their height when the armistice was declared. What the United States will do with this vast tonnage is one of the questions which Congress will soon be asked to consider.

[1] In 1892 a special act of Congress authorized the American registration of the "New York" and "Paris," two foreign-built steamships.

**Interstate Commerce.** — The states have control over commerce which originates and ends within the boundaries of the respective states, but Congress has control over commerce extending beyond the limits of the state in which it originates.

Congress has control over rivers which serve as highways for commerce between two states or with a foreign country. A river on the boundary between the United States and a foreign country is regarded as belonging to the United States from American soil to the middle of the river.

Until the middle of the nineteenth century the chief aid which Congress gave to interstate commerce was by improving rivers and harbors, and by aiding the construction of wagon roads and canals. From 1850–1870 the United States granted millions of dollars and millions of acres of land in order to aid railroad construction in the West and South.

**Railroad Consolidation and Resulting Problems.** — The earliest railroads were local affairs, but between 1850 and 1860 short lines began to be joined. Their union was not only beneficial on account of the economy in operating expenses, but was an undoubted benefit to travelers and shippers of goods. Competition became so fierce as to result in "railroad wars," during which rates were often below the cost of rendering the service. Soon railroad managers saw the folly of such competition and entered into agreements whereby rates were fixed and profits divided between the roads. Favors to special individuals and places were also common. The former kind of favors consisted in making lower rates to one individual than to

another, or by giving to one individual better accommodations. Favors granted to places consisted very commonly in giving lower rates to one city than those charged to another place similarly situated. In order to remedy these, and other railroad abuses, Congress passed the Interstate Commerce Act in 1887.

As a war measure, all the railroads of the United States were taken under control of the United States Railroad Administration in December, 1917.

**The Interstate Commerce Commission and Its Powers.**—The Interstate Commerce Commission consists of five members appointed by the President with the consent of the senate. The commission may receive complaints and summon witnesses, and may give decisions relating to rates and other matters placed under its supervision by the Interstate Commerce Law. Appeals from the decisions of the Interstate Commerce Commission may be taken to the Federal Courts. A Commerce Court was established in 1910 to hear appeals from the orders of the Interstate Commerce Commission, but the Commerce Court soon came into disfavor by reasons of its decisions and it was abolished in 1913 after a brief and not successful career. The commission, as has been said, has supervision over the Interstate Commerce Law, which, among other provisions, practically abolishes free passes, makes unlawful the granting of favors to special persons or places, and provides that rates shall be uniform, and must be published and posted so that they may be freely consulted.

**Anti-Trust Laws.**—Trusts are organized for the sake of doing away with competition and increasing profits. A

trust may be formed by competing companies placing their stock in the hands of trustees who shall manage the business of the various corporations. Such combinations are declared illegal by the laws of various states, and by the Sherman Anti-Trust Law passed by Congress in 1890. This act of 1890 has been held by the courts to apply exclusively to commerce and not to manufactures. The anti-trust laws have not had much influence. The form of trusts has been changed; in some cases one corporation has bought out the other parties to a trust, and in other cases two or more corporations, each owned by the same persons, have succeeded to the trust.

An act of 1903 empowers the Commissioner of Corporations of the Department of Commerce to investigate the organization, conduct, and management of any corporation engaged in interstate business not subject to the Interstate Commerce Commission, and directs him to furnish the information so obtained to the President, after which the information, or as much of it as the President may direct, shall be made public. The commissioner may be directed by Congress or the President to begin an investigation.

## QUESTIONS ON THE TEXT

1. In what ways has Congress directly aided commerce?
2. What advantages would result to the United States from the opening of the Panama Canal?
3. What has been the cause of the decrease in American shipping engaged in foreign commerce?
4. Why was the Interstate Commerce Commission created? What are its powers?
5. Describe the duties of the Commissioner of Corporations.

## QUESTIONS SUGGESTED BY THE TEXT

1. What will be the effect of the opening of the Panama Canal upon the railroads of the United States?
2. What effect will the opening of the Panama Canal have upon the foreign commerce of New York and San Francisco?
3. Should that part of the merchant marine of the United States which is engaged in foreign commerce be aided by sudsidies?
4. Should Congress give the Interstate Commerce Commission authority to fix railroad rates?
5. Should the United States own and operate the railroads?
6. Are the "trusts" an injury to commerce?
7. What clause of the Constitution gives Congress the right to construct the Panama Canal?
8. Why should ships owned by railroads be prevented from using the Panama Canal?
9. Why should free passes on railroads be objectionable?
10. Is it right for a member of a legislature to use a pass given him by a railroad operating within his state?

## CHAPTER XXIII

### MISCELLANEOUS POWERS OF CONGRESS

**Citizenship.** — The following persons are citizens of the United States:

1. All persons, men or women, who were born in the United States and are not subject to any foreign power, Indians not taxed being excluded.

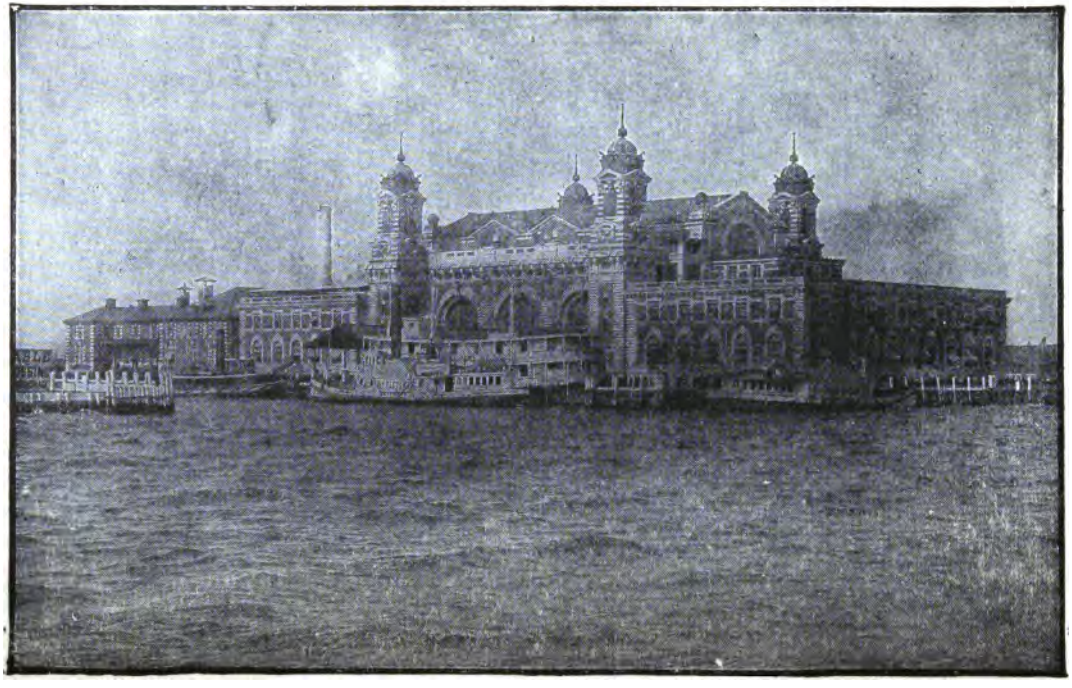
2. All persons naturalized according to law.

3. Children born in another country whose fathers are citizens of the United States, but the right of citizenship does not extend to children whose fathers have never lived in the United States.

4. All women married to citizens are given citizenship by a law of 1885.

5. Citizens of Hawaii are citizens of the United States as a result of annexation, but Congress has not extended United States citizenship to the inhabitants of Porto Rico or the Philippines.

Aliens have many privileges within the United States; in many of the states aliens may even vote. The privileges of aliens are based upon favor, the privileges of citizens upon "long tradition amounting to an indefeasible right, on solemn limitations in the federal and state constitutions." Aliens may not hold office, nor, in many states, own land unless they have declared their intention to become citizens. The protection of the United States extends to American citizens in foreign countries and upon the high



IMMIGRANT LANDING STATION, ELLIS ISLAND, N. Y.

seas. When in a foreign country a citizen of the United States is, of course, subject to the laws of the foreign country, but he may claim and secure the protection of the United States in case of any violation of international law or of any right granted by a treaty.

**Immigration.** — Congress regulates the conditions governing immigration into the United States, and the Department of Commerce enforces the rules of Congress. The policy of Congress is to admit to the United States all immigrants except those whose presence might be dangerous to the public peace and welfare, and those who might become a public charge. The yearly immigration into the United States before the World War included about one million persons. Most of the immigrants enter through the immigration station on Ellis Island in New York Harbor. There they are examined to see whether they are of sound mind and able to support themselves. They are sent back if they have dangerous diseases, or are criminals or anarchists, or otherwise come under the classes whose entrance Congress prohibits. A tax of four dollars is collected from each immigrant. Since 1917 no immigrant can be admitted who is unable to read in some language.

During the World War immigration practically ceased.

**Naturalization.** — Naturalization is the process by which an alien becomes an American citizen. In order to become a citizen an alien must have lived within the United States for five years before his admission to citizenship. Two years before his admission to citizenship he must appear before a court of record and declare his intention to become a citizen, and give up allegiance to any foreign power.

THRONG OF IMMIGRANTS ADMITTED BY THE ELLIS ISLAND AUTHORITIES, — WAITING TO BEGIN LIFE IN THIS COUNTRY

The clerk of the court then furnishes him with a copy of his declaration, which is often called his "first papers." Two years later he must appear again before a court and on oath make another similar declaration, after which he may become a citizen. Should the applicant have been under eighteen years of age when he came to this country, the first declaration of intention may be omitted, and he may be admitted to citizenship after he is twenty-one years of age, if he has lived in the United States five years, including the three years before he became of age. Aliens of the age of twenty-one or more, who have enlisted in the armies of the United States, may become citizens without previous declaration, if they can prove that they have lived in the country for one year. Alien seamen, who have declared intention to become citizens, may be naturalized after three years' service on American merchant ships.

**Americanization.**[1] — Many thousands of immigrants have come to the United States who have never learned to speak, read, or write the English language. There must be added to these, a large number of native born Americans who cannot read or write English. The total number of these classes reaches the astonishing figure of eight million.

These eight million should be educated at least sufficiently to read an American newspaper and to know something of what it means to be an American. The illiterates and non-English speaking population outnumber the entire population of Arizona, Connecticut, Delaware, Florida, Maine, Mississippi, Nevada, Oregon, Rhode Island, North

[1] See appendix for valuable information on this subject, under the title "Americanization, What Is It?"

Dakota, South Dakota, Vermont, Washington, and Wyoming. They outvote the combined populations of the cities of New York, Philadelphia, and Chicago.

The south has the greater number of illiterates; the north leads in non-English speaking population. Seventeen and one-fourth per cent of the people of the east south central states are illiterate and sixteen per cent of the population of the South Atlantic states are illiterate. Some northern cities are in as bad a condition; over fifteen per cent of the population of Passaic, N. J., can neither read nor write and over thirteen per cent of the population of Lawrence and Fall River, Massachusetts, are illiterate. The Great War showed some of the dangers to the Republic arising from our foreign-born population who had not become Americanized. No more important duty than that of Americanization exists. The matter is now being seriously taken up by the United States Bureau of Education and by many states and cities

**Bankruptcy Laws.** — According to the bankruptcy law of the United States, the property of a debtor who cannot pay what he owes may be seized and divided among his creditors; he is then released from any legal requirements to pay debts incurred before the bankruptcy proceedings were started. The present bankruptcy law was passed in July, 1898. It distinguishes between voluntary and involuntary bankruptcy. Any person, corporations excluded, may become a voluntary bankrupt unless he has previously failed within six months. Creditors may force any persons, except laborers, farmers, and banks, into involuntary bankruptcy if they can prove in the courts that they cannot pay their debts.

**Patent and Copyright Laws.** — Patents, issued in the name of the United States and under seal of the Patent Office, secure to inventors the exclusive right to manufacture and sell any patented article for a period of seventeen years. Patents for designs may be issued for three and one-half years, seven years, or fourteen years.

Applications for patents must show the exact nature of the article or design, which must not be in common use or covered by a former patent. Fees for patents are as follows: on making each original application, $15; on issuing each original patent, $20; on design cases, $10 for three and one-half years, $15 for seven years, and $30 for fourteen years. During 1912, 34,084 patents were issued.

Copyrights are issued through the office of the Librarian of Congress. A copyright may be issued to the author, inventor, designer, or proprietor of any book, map, chart, dramatic or musical composition, motion picture, motion play, engraving, cut, print, or photograph or negative thereof, or of a painting, drawing, chromo, statue, and of models or designs intended to be perfected as works of the fine arts. Copyrights are issued for an original term of twenty-eight years, which may be extended by a further term of twenty-eight years. During the life of the copyright, the person to whom it is issued has the exclusive right of printing and selling the article, and in the case of a dramatic composition, of publicly performing or representing it, or causing it to be performed or represented by others. Authors have the exclusive right to dramatize their books. In order to secure copyright on a book or other work, the author must publish his work, with the notice of the copyright printed upon each copy, either on the front or on the back of the title-page. Then two com-

plete copies of the best edition of the book or work, and a fee of one dollar, must be delivered or mailed promptly to the Register of Copyrights, Washington, D. C. The Register of Copyrights will, upon request, send to any person a pamphlet containing full instructions for copyrighting.

Until March 3, 1891, works of foreign authors might be "pirated," or printed in the United States without permission of the author, and without any profits to the author from their sale. The law of 1891 permits citizens of a foreign country to secure copyrights in the United States, provided citizens of the United States are given equal privileges in that country. As a result of this act, the United States has entered into copyright agreements with the leading countries of the world.

**Pure Food Law.** — The law popularly known as the Pure Food Law went into effect on January 1, 1907. This law was passed in the interest of the public health, and to give assurance to purchasers that they were getting that for which they were paying. The law prohibits the manufacture or sale of any adulterated or misbranded drug or article of food within the District of Columbia or any territory. The government of the United States has not the authority to regulate manufacturing within the states, but it can regulate the sale of goods between the people of the various states, and the pure food law prohibits adulterated or misbranded goods from being sold outside of the state in which they are manufactured. State laws must protect the people of each state from unprincipled makers and dealers who sell only in their own states. The Pure Food Law requires also that, if an article contains alcohol, morphine, cocaine or other drug of like nature, the amount or

proportion of such drug shall be stated on the label. It will be seen that the law is designed both to protect from food products that are dangerous and to prevent the sale of adulterated goods and substitutes. Some substitutes are harmless and perhaps as good as the genuine article, but they should not be sold except under their right names. Oleomargarine may be fully equal to butter, but it must not be sold as butter.

**Military and Naval Powers of Congress.** — Congress is given authority to declare war, grant letters of marque and reprisal,[1] and enforce rules concerning captures on land and water; to raise and support armies, but no appropriation of money to that use shall be for a longer term than two years; to provide and maintain a navy; to make rules for the government and regulation of the land and naval forces.

**The United States Army.** — The founders of our government believed that large standing armies were a menace to liberty and the United States Army has always been small in times of peace. The regular army being too small to serve the needs of the country in a severe crisis, Congress is given authority to call out and organize the militia. The militia consists of all able-bodied male citizens of the United States, and those between the ages of eighteen and forty-five years who have declared their intention to become citizens.

A part of the militia is regularly organized in the States, under their own officers. This force is called the National

[1]By letters of marque and reprisal is meant a license granted by a government to a private individual to fit out an armed ship in time of war.

Guard and is supported in part by an appropriation from the United States.

**General Staff of the Army.** — On August 15, 1903, the system of military control of the army was reorganized in accordance with the General Staff Act of February 14, 1903. This act provided for a military Chief of Staff, and for his assistance a body of forty-four officers was created. The duties of the General Staff are to prepare plans for the national defense, and for the preparation of the military forces for active service in time of war; to investigate and report upon all questions affecting the efficiency of the army and its preparation for military operations; to render professional aid and assistance to the Secretary of War, and to general officers and other superior commanders; and to perform such other duties as may be given to them by the President from time to time.

The National Defense Act, passed in June, 1916, increased the number of officers composing this corps from forty-four to fifty-two.

**The United States Army in the World War.** — When the United States entered the World War on April 6, 1917, the army contained 190,000 officers and men. Our enemies held the military power of the United States in contempt and boasted that Germany and her allies would win the war in Europe years before we could raise and drill an army and having won the war in Europe, they would make us pay a huge war indemnity. Little did they know the resources and determination of this free people. Volunteers entered the army in large numbers, but the chief reliance was placed upon a selective draft. The first

selective service, or draft law, was passed May 18, 1917. It applied to all men of the ages from twenty-one to thirty, inclusive. By a later enactment, the draft ages were extended to include men between the ages of eighteen and forty-five, inclusive. The various drafts brought nearly 24,000,000 men to be examined. The administration of the draft was in the hands of the War Department, with the assistance of local draft boards, with appeal boards for each congressional district. Single men without dependents were first taken, then married men who did not support their families, and so on. No man who was actually the sole support of a family was required to go, though many such did go. On July 3, 1917, the President called the National Guard of the several States and the District of Columbia into the Federal Service and sixteen divisional camps were established for mobilization and training.

The army increased in size from 190,000 on April 6, 1917, to 3,665,000 on November 11, 1918. Of these over 2,000,000 were actually in France when the armistice was declared and they were going over at a rate of over 300,000 a month. Not only had we the men in France, but they showed in actual shock of battle that men who had never handled a rifle a year before, could meet and defeat the best that Germany could present after years of training. St. Mihiel, the Argonne, Chateau-Thierry and other battle fields add new luster to American arms. No American doubts that in cooperation with our valiant allies, the Rhine would have been crossed in 1919 and terms of peace dictated in Berlin had not Germany sought peace.

**The League of Nations.** — Though not afraid to fight for a righteous cause, America desires to live at peace with all

the nations of the earth. Every movement toward world peace has received private and official support in America. It is the almost universal opinion that this great war has been in vain unless such a war is made impossible in the future. President Wilson went to the Peace Conference especially to aid in the formation of a League of Nations, whose purpose should be to preserve peace. No one can tell how great may be the success of this league; experience will alone demonstrate success or failure. Every lover of mankind wishes it the most abundant success.

**The United States Navy.** — The separation of the United States from the great military powers has always made it a wise policy to place great reliance upon the navy. The modern navy of the United States dates from 1883, since which time all our powerful ships of war have been constructed. The territory acquired as a result of the Spanish War made large additions to the navy necessary, and our navy grew so as to become fourth in the world. The World War made a large addition to the Navy necessary. During this war the Navy sustained all the best traditions of the service. Not much of its work was spectacular, but it helped the great British Navy to blockade Germany and made it safe to send troops to France. Without naval supremacy it is not too much to say that the war never could have been won. Since the surrender of the German fleet, the Navy of the United States is second in size only to that of Great Britain.

In eighteen states there is a naval militia. These forces are under the direction of state officials and may be called into the national service in time of war. They are drilled especially for duty in harbor defense.

## QUESTIONS ON THE TEXT

1. Who are citizens of the United States?
2. What privileges have citizens that cannot be claimed by aliens?
3. How may an alien become a citizen?
4. Describe the bankruptcy law of the United States.
5. What is a patent? How may a patent be obtained?
6. What effect had the Spanish War upon the navy and army of the United States?
7. What is the General Staff of the army?
8. Why do we need a strong navy, though a small army is sufficient?

## QUESTIONS SUGGESTED BY THE TEXT

1. Is citizenship too easily acquired by aliens? What changes would you suggest in the naturalization laws?
2. Does a bankruptcy law accomplish a greater amount of good or evil?
3. What relation have our patent laws to monopolies? Are patents now granted for too long a period?
4. Show the wisdom of the founders of our government in requiring that an appropriation for the army must be made as often as once in every two years. Compare with the English Mutiny Act of 1689.
5. Compare the navy of the United States with the navies of the European powers and Japan. See "Statesman's Year Book" or newspaper almanacs.

## CHAPTER XXIV

### FINANCIAL AND MONETARY SYSTEMS OF THE UNITED STATES

**The Budget.** — A budget is an estimate of the probable expenses of a government or other association for the coming year with a plan for raising funds to meet these expenses. The Secretary of the Treasury prepares such a budget for the consideration of Congress, but Congress may do as it pleases with his estimates and plans, and he cannot appear in Congress to explain or defend his budget. Appropriations are often made without regard to means of meeting the expense and the national budget is unscientific and inexact. Many states and cities are equally at fault in regard to budget making, though many others are fully equal to the best European practice. New York City is among those which now have scientific budgets.

**Public Expenditures.** — National and local expenditures have steadily increased during the last half century, but state expenses are now relatively less important than they were half a century ago. Each one of the largest cities of the United States has a larger budget than the state in which it is located, and national expenditures have increased vastly in the last few years. This increase is due both to increased wealth and to the additional functions that national and local governments have assumed, while the decrease in state expenses has been caused by the fact

that private railroads have been taking the place of state canals and state roads. It is interesting to note that very recently the states have been again constructing roads, which were for a long time left almost wholly to counties, towns, and cities. Owing to the war, the expenditures of the Federal Government have attained enormous proportions, and taxation has necessarily been very heavy. Within a few years there may be expected considerable reduction in taxation.

**Public Revenues.** — Public revenues are obtained from a variety of sources. Public industries and revenues from mines and forests serve as an important source of revenue to many European states and cities. Public industries, such as water works, lighting plants, postal service, telegraph service, street railroads, and steam railroads often bring a large revenue to the government. Special assessments are often levied upon land neighboring to that where improvements are to be made, for the purpose of paying a part or all of the expenses of opening new streets, putting in sewers, constructing parks, or for such other purpose as will raise the value of land in the immediate neighborhood. For unusual purposes, or where there is need of money before enough can be raised by taxes, public loans are extensively resorted to by national, state, and local governments.

However, taxation is by far the most important source of revenue. A tax may be defined as a compulsory payment to the government for general public purposes.

**Direct and Indirect Taxation.** — A direct tax is one which is levied upon the person who must finally pay it; an in-

direct tax is collected from the possessor of the article taxed, but the price of the article may be raised, so that the purchaser is actually the payer of the tax. Income taxes, poll taxes, inheritance taxes, and taxes on land are examples of direct taxes; customs duties, excise taxes, and the like, are examples of indirect taxes.

Direct taxation has certain advantages over indirect taxation. Indirect taxation does not place the burden of a tax upon the people in proportion to their ability to pay. A tax on sugar or coffee is really a greater burden upon the poor than upon the rich, as such goods are not purchased by those who use them in proportion to their wealth.

Another disadvantage of indirect taxation is of a financial nature. Unusual expenses, such as those made necessary by war, cannot best be met by indirect taxation. Increasing the tax results in a less use of the articles upon which the tax is placed, and also the tax will not bring in a large revenue for several years. A direct tax does not possess this disadvantage, and is therefore known as a more *elastic* tax. However, indirect taxation enables a person to pay taxes in small amounts, as a few cents are added to the price when buying sugar, clothing, tobacco, or such goods, and the tax therefore results in a large revenue. Indirect taxation is employed by every national government; probably not one of them could raise sufficient revenue without resorting to this method of taxation.

**The Sixteenth Amendment to the Constitution, Permitting Federal Direct Taxation.** — The government of the United States has until recently employed only indirect taxation. Congress is given power to lay and collect taxes,

imposts, and excises, but this power has been limited by two other constitutional provisions:

> "No tax or duty shall be laid upon articles exported from the United States" and "No capitation or other direct tax shall be laid unless in proportion to the census or enumeration herein before directed or taken."

This latter provision has practically prevented the United States from laying any direct taxes, on the ground that such taxes would be unfair because the population of the states is not in proportion to their wealth.

The following amendment was passed by the senate on July 5, 1909, by a unanimous vote, and by the House of Representatives on July 12 by a vote of 317 to 14.

> "Article XVI. The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment, among the several states, and without regard to any census or enumeration."

This amendment, as before stated, was ratified by more than three-fourths of the state legislatures, in February, 1913.

**Federal Taxes on Imports.**— The United States Government gets much of its income from import duties and excises. Congress levies taxes upon articles imported into the country, and these taxes are collected at customs houses situated at all the harbors. Customs duties are of two kinds, *specific* and *ad valorem*; specific duties are assessed on units of measures, such as a pound, yard, or gallon; ad valorem duties are levied in proportion to value. Each method has its disadvantages: specific duties often result in goods of low value being taxed as heavily as more valuable

goods and ad valorem duties cannot be fairly assessed unless experts in all lines of goods are stationed at all customs houses, which, of course, cannot be done. In the United States a combination of specific and ad valorem duties is often employed, the same article being taxed according to a unit of measure and also on its value.

The list of import taxes is called a tariff. The tariff may be so arranged that heavy taxes fall upon articles which are manufactured in the United States, or may be manufactured here. Such a tariff is called a protective tariff, since it raises prices and hence encourages the production in the United States of the articles taxed. A tariff which is levied upon articles not manufactured in the United States, or in such a manner as not to raise prices to any great extent, is called a "tariff for revenue only." The tariff question has been one of the chief political questions in the history of the United States. Since 1860 we have had a high protective tariff.

**Excise Taxes.** — Excise taxes are those levied upon goods produced within a country. This form of taxation has been extensively used by the United States. The first excise tax was levied in 1791 upon distilled liquors, as a part of the plan of Congress for paying the debt incurred during the Revolutionary War. The tax was unpopular, and was repealed in 1802. The War of 1812 caused excise taxes to be laid upon distilled liquors and sugar, but these war taxes were repealed in 1817. Until the outbreak of the Civil War no further excise taxes were levied, but the unusual expenses made necessary by the Civil War compelled a resort to excise taxation on an enormous scale. The words of Sydney Smith employed forty years before

have been aptly applied[1] to the excise taxes of the Civil War period:

> "Taxes upon every article which enters into the mouth or covers the back, or is placed under the foot; taxes upon everything that is pleasant to see, hear, feel, smell, or taste; taxes upon warmth, light, and locomotion; taxes on everything on earth, and the waters under the earth; on everything that comes from abroad, or is grown at home; taxes on raw materials, taxes on every fresh value that is added to it by the industry of man; taxes on the sauce which pampers man's appetite, and the drug which restores him to health; on the ermine which decorates the judge, and the rope which hangs the criminal; on the poor man's salt and the rich man's spice; on the brass nails of the coffin and the ribands of the bride."

Most of the excise taxes were abolished after the war, but on account of the increased expenses of the government, owing chiefly to pensions and the public debt, excise taxes on spirits, malt liquors, and tobacco were retained and became a very important item in the federal financial system.

The World War made necessary another extensive use of excise taxation. With the Prohibition Amendment, taxes on liquors cease to produce revenue and other excise taxes must take their place.

**State and Local Taxation.** — State and local governments chiefly employ direct taxation; this is not due to any constitutional necessity, but because the federal government has pretty thoroughly occupied the domain of indirect taxation. The states differ in their systems of

[1] Ford in Lalor's Cyclopædia.

taxation; among the usual taxes are those upon personal property, real estate, corporations, franchises, and the like. The local authorities assess and collect most of the taxes for local and state purposes and forward the state tax to the state treasury.

**Taxes on Property.** — In all of the states there is some kind of a property tax. Property consists of two kinds: real property and personal property. Real property includes land and whatever is attached to it, or made part of it, such as trees, water, minerals, and houses or other permanent structures. Personal property consists of a variety of movable goods, such as clothing, jewelry, machinery, pictures, books, carriages, merchandise, money, stocks, bonds, mortgages, bank and other credits.

Much personal property can easily be concealed, and most of it cannot be correctly valued by the tax assessors. For this reason the general tax on personal property is evaded by all except the scrupulously honest, and a general property tax is, therefore, a test of honesty. Taxes on real estate cannot be evaded. However, another difficulty appears when real estate is taxed for both local and state purposes. Each local assessor endeavors to keep down the valuation in his district, to enable his neighbors to escape with a small state tax. There is thus a competition among local assessors to reduce local valuation, notwithstanding the fact that state laws require property to be assessed at its actual value. To remedy undervaluations many commonwealths have state boards of equalization, but the task is beyond the ability of any general board. Men who know the value of city real estate are not qualified to determine values of country lands, and vice versa. The

conclusion of most economists is that real estate should be taxed for local purposes only, and the personal property tax should be abolished.

**Poll Taxes.** — Several of the states have poll taxes. These taxes, at the rate of a dollar or two dollars a person, are levied yearly upon all men between certain ages. A poll tax is one of the most unfair of taxes, as it falls equally upon all persons without regard to their wealth. In some states the poll tax must be paid before the man is permitted to vote, but in such states the tax is often paid by the political party to which the voter belongs.

**Corporation Taxes.** — In a number of states a tax is levied on the capital or earnings of all corporations doing business within these states. Railroad, insurance, telegraph, and express companies are often subject to a special state tax.

**Franchise Taxes.** — Semi-public services, such as water and gas supply and transportation, are furnished in our cities by corporations which have received that privilege by virtue of franchises which they hold. To tax these franchises as a valuable part of the property of the corporation is not uncommon. This is an especially proper means of gaining a revenue, if the franchise was not paid for when it was obtained.

**Inheritance and Income Taxes.**—A number of states levy a tax on inheritance. This tax cannot be evaded, and is easily collected. There is no unfairness in such a tax unless it is levied on very small inheritances.

Income taxes have become a most important source of

Federal revenue. Unmarried persons pay a tax of 6 per cent on incomes in excess of $1,000 a year and married persons pay at the same rate on the excess over $2,000. Incomes over $4,000 are taxed at progressive rates. There are also income taxes on corporations and excess profits taxes.

**Other Local Sources of Income.** — A considerable amount of revenue for local purposes is raised by licenses on billiard tables, bowling alleys, shooting galleries, and theatres. Usually auctioneers, peddlers, and truckmen must procure licenses. Fines levied upon offenders by the courts produce some revenue.

Fees paid to the government for some special service rendered furnish considerable revenue. Fees sometimes are given to the officer who performs a service, but it has been found that both economy and good service are better secured by giving officers a sufficient salary and turning all fees into the public treasury.

**Exemptions from Taxation.** — Governmental property, whether federal, state, or local, is free from taxation. Property used exclusively for educational, religious, or benevolent purposes is ordinarily exempt from taxation. In many states a small amount of personal property is exempt, and usually savings-bank accounts are exempt.

**Public Debts.** — Congress is given authority by the Constitution " to borrow money on the credit of the United States." The public debt of the United States has been incurred chiefly as a result of war. In times of war, necessary revenue cannot always be gained from taxation, and

so a country is obliged to borrow money, giving the lender a promissory note or bond. These bonds bear a certain rate of interest, and are payable at some definite date. Sometimes the government is unable, or thinks it unwise, to pay bonds when they fall due; in this case the government may issue a new set of bonds, and with the proceeds of their sale pay the money due for the old ones. Often the interest on the public debt is in this way much lowered.

During the progress of the World War, four Liberty Loans yielded $16,974,430,000. Most of this loan was at 4¼ per cent. This was a larger sum than that raised through loans by any other power waging war on the Empires of Central Europe and it was raised at a lower rate of interest.

**Local Debt.** — Since the building of railroads checked state expenditures for roads and canals, the states have not been great borrowers of money, but the cities have more than taken the place which the states formerly occupied. City debts have grown very large and are constantly increasing. Improvements are planned for generations in advance, and are paid for from the proceeds of the sale of city bonds; this is good policy, since a great work like the New York aqueduct, or the Croton dam, is built for the benefit of the future as well as the present generation, and it is entirely proper that a portion of the burden of payment should fall upon future generations. Unusual expenses, such as the building of bridges, water works, sewers, etc., may appropriately be met by the sale of bonds.

**United States Money.** — All the metallic money in use in the United States is coined at one of the government

mints. Though we see more silver in circulation than gold, there is more gold coin actually in existence, most of it being in banks and in the United States Treasury.

There are several kinds of paper money issued by the United States and also national bank notes issued by national banks, but made safe by securities deposited by the banks in the United States Treasury.

The Federal Reserve Banking System was established by Act of Congress in 1913. All national banks were required to join and most other banks might join. The Federal Reserve Board, composed of the Secretary of the Treasury, the Comptroller of the Currency and five other persons, named by the President, has supervision of the entire system. The Country is divided into twelve districts with a Federal Reserve Bank in each district, which deals not with individuals, but with the member banks. Member banks may deposit notes and other securities with a Federal Reserve Bank and the Federal Reserve Bank furnishes them, on this security, Federal Reserve Notes which they put into circulation as money. These notes will soon displace all national bank notes. All United States money is as good as gold.

## QUESTIONS ON THE TEXT

1. Compare public and private finance.
2. Account for the increase of United States and local expenses.
3. What are the principal sources of public revenue?
4. Compare direct and indirect taxes.
5. What is the XVIth Amendment to the Constitution of the United States?
6. What was the status of Federal direct taxation before that time?
7. What is a "tariff for revenue only"?

## QUESTIONS SUGGESTED BY THE TEXT

1. Would free trade be more beneficial to the people of the United States than protection?

2. Would free trade be an advantage to New York City? To Philadelphia? To Pittsburg?

3. Should savings bank accounts be exempt from taxation?

4. When may a government properly resort to borrowing money?

5. Consult a dictionary in regard to the meaning of "legal tender." Is there any advantage in making a certain kind of money legal tender?

6. It is expected that the Federal Reserve Act will result in preventing financial panics. How can it do this?

## CHAPTER XXV

### THE FEDERAL JUDICIARY

**Necessity of Federal Courts.** — A system of Federal courts is necessary for several reasons:

1. There must be some court to interpret United States laws, otherwise these laws might be interpreted in contradictory ways by state courts.

2. Federal courts must interpret the Constitution and, since that is the supreme law of the land, must determine the constitutionality of United States laws and treaties as well as of state constitutions and state laws. A law that has been declared unconstitutional is null and void.

3. Cases to which certain persons are parties could not well be brought before state courts. Such cases include those in which ambassadors and other representatives of foreign governments are concerned.

**Jurisdiction of Federal Courts.** — The jurisdiction of the Federal courts is prescribed in the Constitution. Two classes of cases may come before the United States courts: one of these classes is concerned with the nature of the questions involved; the other comes before the Federal courts because of the nature of the persons concerned.

> "The judicial power shall extend to all cases in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; to all cases affecting ambassadors, other public ministers, and

SUPREME COURT OF THE UNITED STATES

consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more states; between a state and citizens of another state; between citizens of different states; between citizens of the same state claiming lands under grants of different states, and between a state, or the citizens thereof, and foreign states, citizens, or subjects."[1]

**The Eleventh Amendment.** — The jurisdiction of the United States courts is limited by the Eleventh Amendment, which reads:

"The judicial power of the United States shall not be construed to extend to any suit in law or equity commenced or prosecuted against one of the United States by citizens of another state, or by citizens or subjects of any foreign state."

This amendment was the result of an action brought by one Chisholm, a citizen of North Carolina, against the state of Georgia, in 1793. The Supreme Court decided that a citizen of one state might make another state a defendant in an action brought in the Supreme Court. Intense excitement followed, as this was then thought to be below the dignity of a "sovereign" state. The chief effect of this amendment has been to enable a state to refuse to pay its debts.

**The Supreme Court.** — The chief court of the United States is the Supreme Court. The Constitution does not name the number of judges who shall make up the court, but at present it consists of a chief justice and eight associate justices.

[1] Art. III, Sec. 2, Par. 1.

"In all cases affecting ambassadors, other public ministers and consuls, and those to which a state shall be a party, the Supreme Court has original jurisdiction."

In other cases the Supreme Court has appellate jurisdiction — that is, the authority to review a case already tried in another court, and to render a decision.

The Supreme Court decides cases by a majority vote of the justices present. The court begins its yearly sessions on the second Monday in October, and usually adjourns in May. Daily sessions are held, except on Saturdays and Sundays, beginning at twelve o'clock M. in the chambers of the court at the Capitol.

**Inferior Federal Courts.** — Congress in accordance with a constitutional provision (Art. III, Sec. 1), has established a number of inferior courts. These courts are district courts, circuit courts, court of customs appeals, a court of claims, and a commerce court.

**District Courts.** — The lowest regular United States courts are the district courts. Each state is a judicial district and has a district court, except that the more populous states have two or more districts. Admiralty cases[1] and most bankruptcy cases are tried in the district courts. A district judge presides over the court.

**Circuit Courts.** — The United States is divided into nine circuits for judicial purposes. A judge of the Supreme Court originally held court in each of the circuits, but now two or more judges are appointed for each circuit. Justices of the Supreme Court are supposed to attend at least

[1] Cases that deal with naval affairs.

one term in every two years, but since 1869 they have only occasionally opened a session of the circuit courts. Cases involving the patent and copyright laws and the revenue laws are brought before the circuit courts. Many civil and criminal cases may be brought before either district or circuit courts. A district judge may hold court in a circuit, and likewise a circuit judge may hold a district court. Circuit court cases are largely cases appealed from district courts, or cases transferred from state courts.

**Court of Customs Appeals.**—The Court of Customs Appeals decides upon cases arising from the laws of the United States governing the importation of goods into the United States. It has five judges appointed by the President. This court was created in 1909 and is the most recently established of all Federal Courts.

**Court of Claims.** — The Court of Claims consists of five judges. It holds sessions in Washington and has authority to settle claims of private persons against the United States. If a claim is found to be legal the fact is certified to Congress, which then makes an appropriation to satisfy the claim. This court dates from 1855.

**Appointment of Federal Judges.** — All Federal judges are appointed by the President subject to confirmation by the senate. In the higher courts the term of office is for life or during good behavior. The salaries of Federal judges are very small, when compared with the importance of the office and the salaries received by leading lawyers. The Chief Justice of the United States receives $15,000 a year, associate justices of the Supreme Court $14,500 a year, circuit judges $7,000 a year, and district judges $6,000.

In accordance with the terms of an act of 1869, any United States judge of ten years' standing, who has reached the age of seventy years, may resign and continue to draw his full salary. A few judges have been retired by special act of Congress before reaching the age of seventy years. For misconduct, judges may be impeached in the same manner as other government officials.

**Court Officers.** — In each district there is a district-attorney, appointed by the President, whose duty it is to conduct cases to which the United States is a party in all the inferior United States courts, except the Court of Claims. A marshal in each district has duties similar to those of the county sheriff. United States Commissioners, appointed in each circuit by the circuit courts, assist both district and circuit judges by administering oaths, examining witnesses in certain cases, etc.

**Relation between State and Federal Courts.** — All of the states have their own courts, which interpret state laws, and in most cases their decisions are final. Cases may be transferred from state courts to United States courts if an interpretation of a Federal law or the Constitution is involved. A few cases may be brought before either Federal or state courts.

There are four grades of law in the United States, and in case of conflict the lower must always give way to the higher. These grades are: (1) the United States Constitution; (2) United States treaties and laws; (3) state constitutions; (4) state laws. In case of conflict between laws of equal grade, the last one passed makes the others void.

## QUESTIONS ON THE TEXT

1. Describe the organization of the Supreme Court.
2. Mention the kinds of cases in which the Supreme Court has original jurisdiction.
3. Why is it necessary that we should have United States courts?
4. Describe the inferior United States courts.
5. What is the relation between the United States courts and state courts?
6. If the courts declare a statute to be wholly or in part unconstitutional, what is the effect of such a declaration?

## QUESTIONS SUGGESTED BY THE TEXT

1. Why should judges be appointed for life?
2. Show the influence of America's greatest jurist, Chief-Justice Marshall, on American law and history.
3. Why was the Eleventh Amendment passed? Would it be possible for such an amendment to be passed at the present time?
4. Who is the Chief Justice of the United States Supreme Court?
5. Name some act of Congress that the Supreme Court has declared unconstitutional and give reasons for the decision.

## CHAPTER XXVI

### THE GOVERNMENT OF TERRITORIES AND DEPENDENCIES

**The National Domain.** — The granting of western lands by the original states before the Articles of Confederation went into effect gave to the United States an immense tract of land extending west to the Mississippi River. The last important act of the Congress of the Confederation was the famous Ordinance of 1787, which provided for the government of the Northwest Territory. This ordinance furnished a model for territorial government, which the United States has followed in many details. For the Northwest Territory a territorial government was established, negro slavery was prohibited, civil and religious liberty was guaranteed, and it was understood that in due time the territory would "be formed into distinct republican states."

The national domain has been greatly increasing since that time: the great Louisiana region, stretching west and north from the Mississippi River, was purchased from France in 1803; Florida was purchased from Spain in 1819; in 1846 our title was made clear to the Orégon country, to which our real claim had been that of exploration and settlement, by treaty with Great Britain; the southwestern boundary of the United States reached its present limits as a result of the treaty which ended the Mexican War, and the Gadsden purchase of 1853.

The original states, together with Maine, Kentucky, and Texas, were never a part of the national domain.

**Land Policy of the United States.** — The public domain of the United States, which has included the immense area of 2,889,175 square miles,[1] has been largely sold to actual settlers at a price ranging from $1.25 to $2.50 an acre. The Homestead Act of 1862 enabled "any citizen, or person who has declared his intention of being such, who is the head of a family, or has attained his majority, or has served in the army or navy, and is not already possessed of more than 160 acres in any state or territory," to obtain a homestead of 160 acres at practically no expense, on condition that he should actually cultivate the land for five years, unless he was a soldier or sailor in the employ of the United States during the Civil War, in which case residence for only one year was required. Public land has also been distributed in accordance with the terms of the Timber Culture Act, which provided that a citizen over twenty-one years of age, the head of a family, might secure 160 acres of public land by setting out a certain area of land in trees and keeping the trees in good condition for eight years. Much of the public land has been given away to encourage the building of railroads, and a considerable amount has been given to schools and colleges.

The United States has now parted with most of its land in one or other of the ways mentioned; of that which remains, comparatively little is suitable for agricultural purposes, though doubtless irrigation would make it possible to cultivate a large part of what is now waste land.

A part of the public land has been retained for national

[1] Donaldson, "The Public Domain," pp. 14–16.

parks and forest reservations. Indian reservations and military reservations exist in many parts of the country.

**The Results of the Public Land Policy.** — Notwithstanding great abuses, whereby corporations and private persons have been enabled to secure by fraud vast tracts of land, the land policy has resulted in disposing of the public land to millions of actual settlers, who have occupied holdings of small areas. This is of the utmost importance to the United States, as it has caused the land to be cultivated by proprietors and not by tenants.

**Government of Organized Territories.** — An organizing act, passed by Congress, provides for a territory the usual executive, legislative, and judicial departments. The chief executive of a territory is a governor appointed for a term of four years by the President, with the consent of the Senate. In a similar manner, and for a like term, the President appoints the treasurer, auditor, and other chief territorial officers. A territorial legislature, consisting of two houses, is elected by the people. The legislature may make laws for the territory, and provide for the organization of local governments. The highest territorial judges are appointed by the President. They are not a part of the United States judiciary, but are regarded as a part of the territorial government, and may be removed from office by the President. Each territory may send a delegate to Congress. The delegate may address Congress on matters affecting his territory, but he has no vote.

Territorial government is a combination of self-government and control by the United States. Though the territorial legislature has considerable power, its members

are elected by voters whose qualifications are determined by Congress, and any acts of the legislature may be set aside by Congress. All judges, except the highest, are elected by the voters. Citizens of territories have no vote in presidential elections.

All the states, except the original thirteen and Vermont, Kentucky, West Virginia, Texas, and California, have gone through the territorial stage. Alaska[1] and Hawaii are now the only organized territories of the United States.

**How a Territory May Become a State.** — An organized territory with sufficient population, that of an average Congressional district, may, through its legislature, petition Congress to pass an "enabling act." Such an act authorizes the territory to form a state constitution, and may name certain conditions. The voters of the territory then elect delegates to a constitutional convention, which forms a constitution and submits it to the people for ratification; after the constitution has been approved, Congress may declare the new state to be admitted to the Union. In a few cases, territories have not waited for Congress to pass an enabling act, but have framed a constitution and applied at once for admission. Michigan and California were so admitted.

The Constitution requires that no state shall be framed or erected within the jurisdiction of any other state, nor shall any state be formed by the junction of two or more states, without the consent of their legislatures. West Virginia was admitted in 1863, without the real consent of Virginia, most of which was at that time in rebellion

[1] Organized by Act of Congress, approved August 24, 1912.

against the authority of the United States, but after the conclusion of the war the Virginia legislature gave its consent to the act which had already gone into effect.

**The District of Columbia.** — The District of Columbia is governed directly by Congress. Since 1878, control over the district has been exercised through three commissioners appointed by Congress. Citizens of the district have no vote.

### INSULAR POSSESSIONS

**Porto Rico.** — By the Treaty of Paris (1899) the island of Porto Rico was given up to the United States. Until April 12, 1900, it had a military government, but on that date it was given a civil government very similar to that enjoyed by our organized territories.

A chief executive, appointed by the President, serves for four years. His salary is $8,000 a year. There is an executive council of eleven members, five of whom must be natives of Porto Rico. Members of the council are also appointed by the President for a term of four years. Included in this council, which serves as an upper chamber of the legislature, are the secretary, attorney-general, commissioner of education, and auditor. A lower legislative house, made up of thirty-five members, is elected by the voters for a term of two years. The judiciary is composed of a United States District Court and a Supreme Court. The island sends a commissioner to Washington, but he cannot be a member of Congress.

**The Philippines.** — The Philippine Islands were under military government after the war with Spain. Congress, in 1902, provided a permanent civil government. A gov-

ernor, appointed in the usual manner by the President, is the chief executive; his yearly salary is $15,000. With him are associated six executive officers, consisting of a secretary, an attorney-general, a treasurer, an auditor, a commissioner of education, and a secretary of the interior. The governor, the six heads of executive departments, and five persons, who must be natives of the Philippines, appointed by the President, make up a council, which acts as an upper legislative chamber.

A lower legislative house, made up of thirty members, is elected by the people for a term of two years. In order to vote for members of the House of Delegates, as the lower house is called, a person must be able to prove that he has lived in the country one year, must be twenty-one years old, and must either own taxable property or be able to read and write Spanish or English.

Two commissioners, elected by the qualified voters, are sent to Washington by the Philippines, but these commissioners cannot be members of Congress.

**Guam and Tutuila.** — Guam and Tutuila, the latter one of the Samoan group, gained by treaty in 1899, are governed by naval officers apppointed for that purpose.

## QUESTIONS ON THE TEXT

1. Show how the national domain of the United States was gained.
2. How has the United States disposed of the national domain? What have been the results of this policy?
3. Describe the government of an organized territory.
4. Describe the government of Porto Rico and the Philippine Islands.
5. How may a territory become a state?

## QUESTIONS SUGGESTED BY THE TEXT

1. Explain the importance of Congressional control over the District of Columbia.

2. Why should the United States have forest reservations?

3. What may be done by irrigation to make waste lands productive?

4. Of what value are the national parks to the people of the United States?

5. Give a discussion of the problems resulting from the gaining of our insular possessions.

# APPENDIX

IMMIGRANT GIRL FROM POLAND

# APPENDIX

Extracts from advance copy of bulletin prepared by Mr. Don D. Lescohier, Associate Professor of Economics, in charge of Americanization work for the University of Wisconsin. Published by the Extension Division of the University of Wisconsin.

## AMERICANIZATION, WHAT IS IT?[1]

Americanization in the United States, and Canadianization in Canada, differ fundamentally in their spirit, method and purpose from the efforts of Germany to Germanize Poland, Schleswig-Holstein, and Alsace-Lorraine; of Austria to Austrianize the Czechs and Croats; and of Turkey to suppress the nationalism of the Armenians. The Central Powers tried to crush the national cultures and customs of peoples over whom they had acquired power by force of arms. They continually subjected them to the efforts of conquerors who sought to suppress the language and traditions that had obtained in the acquired territories, and to compel the use of the language, government and culture of the conqueror.

Americanization has nothing in common with such efforts as these. It is an effort to assist the alien among us to understand, appreciate and partake of the best in American life and thought. It is an effort to provide facilities that will enable him to become an integral part of America and its life. It is a movement to help him share the privileges and benefits that a democracy offers to its people, and to fit him for its responsibilities as a citizen in a democratic commonwealth. It aims to help him know our national life; to help him make our traditions, heroes and ideals his; to inspire in him a love for America and what it stands for; to win his heart to the things we love.

[1] Printed by permission of the author.

But Americanization is more than this. It is as necessary for Americans to understand the peoples who have come to them from foreign lands as for those peoples to become acquainted with America. Every people whose feet have pressed our soil has brought to us traditions, customs, capacities, ideals, and personal qualities which are of inestimable value to America. Each race or nationality, when it first came to our shores, had to start at the bottom of the economic ladder. Each one's capacity *was undervalued by the American during the early years of its migration to America,* because it had to rely principally upon common labor for a livelihood while it was learning our language and customs and fitting itself into our national life. The indifference and hardly-disguised contempt which a large number of Americans felt toward the Italian or the Slav during the twenty-five years from 1890 to the outbreak of the war, was experienced in earlier years by the Irishman, and in many parts of the country, by the German, Scandinavian, and Belgian. It is as necessary to help the American understand the newcomer and appreciate the contribution which he will make to our national life, as to help the immigrant understand the American.

There is another point which Americans must be taught to remember. Every alien who comes to America comes here *because he believes that America is a better place to live than his homeland.* He comes here hopefully, expectantly, eagerly. He comes here in a receptive mood. The only reason that alien propaganda has been able to retain a hold on *part* of the immigrants, has been that we have failed to provide them with proper educational, industrial and social opportunities to become a real part of our life. They have not found us responsive, and their enthusiasm has been chilled. They have concluded that we did not care about them. Americanization must teach the American to value the people who have come to us, and cause him to assist the alien to enter into the privileges and duties of America's adopted sons.

Americanization is, then, a process of education, of mutual understanding, of growing together. It can not be accomplished by any one agency. The public schools can reach some of the adults; the Y. M. and Y. W. C. A., the social settlements, the welfare work of employers, have important parts to play; while the university's

research work and training of leaders is necessary to provide specialized knowledge and leadership. Improvements in labor conditions, in land laws, in the housing of the poor, and in methods of labor distribution are as important as any of the educational work. They will remove many of the immigrant's causes of bitterness. Community and social centers; women's and civic clubs; and the aroused interest of churches, parochial schools, fraternal orders, and companies engaged in land colonization are all essential to the task. In a word, Americanization is a process of mental and spiritual reconstruction—if we can use the word *spiritual* in a non-religious sense—which must be accomplished by a multitude of forces in our national life. *The essential thing now is that those forces be widely directed* so that they may accomplish the needed result, rather than produce evil results by their misdirected though well-intentioned efforts.

# THE RISE OF A RURAL COMMUNITY[1]

## A FAMOUS ACCOUNT BY HENRY GEORGE

Here, let us imagine, is an unbounded savannah, stretching off in unbroken sameness of grass and flower, tree and rill, till the traveler tires of the monotony. Along comes the wagon of the first immigrant. Where to settle he cannot tell—every acre seems as good as every other acre. As to wood, as to water, as to fertility, as to situation, there is absolutely no choice, and he is perplexed by the embarrassment of richness. Tired out with the search for one place that is better than another, he stops—somewhere, anywhere—and starts to make himself a home. The soil is virgin and rich, game is abundant, the streams flash with the finest trout. Nature is at her very best. He has what, were he in a populous district, would make him rich; but he is very poor. To say nothing of the mental craving, which would lead him to welcome the sorriest stranger, he labors under all the material disadvantages of solitude. He can get no temporary assistance for any work that requires a greater union of strength than that afforded by his own family, or by such help as he can permanently keep. Though he has cattle, he cannot often have fresh meat, for to get a beefsteak he must kill a bullock. He must be his own blacksmith, wagon-maker, carpenter, and cobbler—in short, a "jack of all trades and master of none." He cannot have his children schooled, for, to do so, he must himself pay and maintain a teacher. Such things as he cannot produce himself, he must buy in quantities and keep on hand, or else go without, for he cannot be constantly leaving his work and making a long journey to the verge of civilization; and when forced to do so, the getting of a vial of medicine or the replacement of a broken auger may cost him the labor of himself and horses for days. Under such circumstances, though nature is prolific, the

[1] Printed by permission of D. Appleton & Co., owners of the copyright.

man is poor. It is an easy matter for him to get enough to eat; but beyond this, his labor will only suffice to satisfy the simplest wants in the rudest way.

Soon there comes another immigrant. Although every quarter section of the boundless plain is as good as every other quarter section, he is not beset by any embarrassment as to where to settle. Though the land is the same, there is one place that is clearly better for him than any other place, and that is where there is already a settler and he may have a neighbor. He settles by the side of the first comer, whose condition is at once greatly improved, and to whom many things are now possible that were before impossible, for two men may help each other to do things that one man could never do.

Another immigrant comes, and, guided by the same attraction, settles where there are already two. Another, and another, until around the first comer there are a score of neighbors. Labor has now an effectiveness which, in the solitary state, it could not approach. If heavy work is to be done, the settlers have a log-rolling, and together accomplish in a day what singly would require years. When one kills a bullock, the others take part of it, returning when they kill, and thus they have fresh meat all the time. Together they hire a schoolmaster, and the children of each are taught for a fractional part of what similar teaching would have cost the first settler. It becomes a comparatively easy matter to send to the nearest town, for some one is always going. But there is less need for such journeys. A blacksmith and a wheelright soon set up shops, and our settler can have his tools repaired for a small part of the labor they formerly cost him. A store is opened, and he can get what he wants as he wants it; a post-office, soon added, gives him regular communication with the rest of the world. Then comes a cobbler, a carpenter, a harnessmaker, a doctor; and a little church soon arises. Satisfactions become possible that in the solitary state were impossible. There are gratifications for the social and the intellectual nature—for that part of the man that rises above the animal. The power of sympathy, the sense of companionship, the emulation of comparison and contrast, open a wider, and fuller, and more varied life. In rejoicing, there are others to rejoice; in sorrow, the mourners do not mourn alone.

There are husking bees, and apple parings, and quilting parties. Though the ballroom be unplastered and the orchestra but a fiddle, the notes of the magician are yet in the strain, and Cupid dances with the dancers. At the wedding, there are others to admire and enjoy; in the house of death, there are watchers; by the open grave, stands human sympathy to sustain the mourners. Occasionally, comes a straggling lecturer to open up glimpses of the world of science, of literature, or of art; in election times, come stump speakers, and the citizen rises to a sense of dignity and power, as the cause of empires is tried before him in the struggle of John Doe and Richard Roe for his support and vote. And, by and by, comes the circus, talked of months before, and opening to children whose horizon has been the prairie, all the realms of the imagination—princes and princesses of fairy tale, mail-clad crusaders and turbaned Moors, Cinderella's fairy coach, and the giants of nursery lore; lions such as crouched before Daniel, or in circling Roman amphitheater tore the saints of God; ostriches who recall the sandy deserts; camels such as stood around when the wicked brethren raised Joseph from the well and sold him into bondage; elephants such as crossed the Alps with Hannibal, or felt the sword of the Maccabees; and glorious music that thrills and builds in the chambers of the mind as rose the sunny dome of Kubla Khan.

HENRY GEORGE,

*Progress and Poverty*, 212–213.

# THE CONSTITUTION OF THE UNITED STATES

## PREAMBLE

WE, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

## ARTICLE I. LEGISLATIVE DEPARTMENT

### *Section I. Congress in General.*

All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

### *Section II. House of Representatives*

1. The House of Representatives shall be composed of members chosen every second year by the people of the several states, and the electors in each state shall have the qualifications requisite for electors of the most numerous branch of the state legislature.

2. No person shall be a representative who shall not have attained the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that state in which he shall be chosen.

3. Representatives and direct taxes shall be apportioned among the several states which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons.[1] The actual enumeration shall be made within three years after the first meeting of the Congress

[1] Modified by abolition of slavery.

of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of representatives shall not exceed one for every thirty thousand, but each state shall have at least one representative; and until such enumeration shall be made, the state of *New Hampshire* shall be entitled to choose three, *Massachusetts* eight, *Rhode Island and Providence Plantations*, one, *Connecticut* five, *New York* six, *New Jersey* four, *Pennsylvania* eight, *Delaware* one, *Maryland* six, *Virginia* ten, *North Carolina* five, *South Carolina* five, and *Georgia* three.

4. When vacancies happen in the representation from any state, the executive authority thereof shall issue writs of election to fill such vacancies.

5. The House of Representatives shall choose their Speaker and other officers, and shall have the sole power of impeachment.

### *Section III. Senate.*

1. The Senate of the United States shall be composed of two senators from each state, chosen by the legislature thereof, for six years; and each senator shall have one vote.

2. Immediately after they shall be assembled in consequence of the first election, they shall be divided as equally as may be into three classes. The seats of the senators of the first class shall be vacated at the expiration of the second year; of the second class, at the expiration of the fourth year, and of the third class, at the expiration of the sixth year, so that one-third may be chosen every second year; and if vacancies happen by resignation or otherwise during the recess of the legislature of any state, the executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies.

3. No person shall be a senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that state for which he shall be chosen.

4. The Vice-President of the United States shall be President of the Senate, but shall have no vote, unless they be equally divided.

5. The senate shall choose their other officers, and also a Presi-

dent *pro tempore* in the absence of the Vice-President, or when he shall exercise the office of President of the United States.

6. The senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the President of the United States is tried, the Chief Justice shall preside: and no person shall be convicted without the concurrence of two-thirds of the members present.

7. Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit under the United States; but the party convicted shall, nevertheless, be liable and subject to indictment, trial, judgment, and punishment, according to law.

### *Section IV. Both Houses.*

1. The times, places, and manner of holding elections for senators and representatives shall be prescribed in each state by the legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing senators.

2. The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

### *Section V. The Houses Separately.*

1. Each house shall be the judge of the elections, returns, and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner, and under such penalties, as each house may provide.

2. Each house may determine the rules of its proceedings, punish its members for disorderly behavior, and with the concurrence of two-thirds, expel a member.

3. Each house shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment require secrecy, and the yeas and nays of the members of either house on any question shall, at the desire of one-fifth of those present, be entered on the journal.

4. Neither house, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

### *Section VI. Privileges and Disabilities of Members.*

1. The senators and representatives shall receive a compensation for their services, to be ascertained by law and paid out of the treasury of the United States. They shall, in all cases except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective houses, and in going to and returning from the same; and for any speech or debate in either house they shall not be questioned in any other place.

2. No senator or representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased during such time; and no person holding any office under the United States shall be a member of either house during his continuance in office.

### *Section VII. Mode of Passing Laws.*

1. All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments as on other bills.

2. Every bill which shall have passed the House of Representatives and the Senate shall, before it become a law, be presented to the President of the United States; if he approve he shall sign it, but if not he shall return it, with his objections to that house in which it shall have originated, who shall enter the objections at large on their journal and proceed to reconsider it. If after such reconsideration two-thirds of that house shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two-thirds of that house it shall become a law. But in all such cases the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall

be entered on the journal of each house respectively. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress by their adjournment prevent its return, in which case it shall not be a law.

3. Every order, resolution, or vote to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment) shall be presented to the President of the United States; and before the same shall take effect, shall be approved by him, or being disapproved by him, shall be repassed by two-thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.

### *Section VIII. Powers Granted to Congress.*

The Congress shall have power:

1. To lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defence and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States;

2. To borrow money on the credit of the United States;

3. To regulate commerce with foreign nations and among the several states, and with the Indian tribes;

4. To establish an uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States;

5. To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures;

6. To provide for the punishment of counterfeiting the securities and current coin of the United States;

7. To establish post-offices and post-roads;

8. To promote the progress of science and useful arts by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries;

9. To constitute tribunals inferior to the Supreme Court.

10. To define and punish piracies and felonies committed on the high seas and offences against the law of nations;

11. To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water;

12. To raise and support armies, but no appropriation of money to that use shall be for a longer term than two years;

13. To provide and maintain a navy;

14. To make rules for the government and regulation of the land and naval forces.

15. To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions;

16. To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the services of the United States, reserving to the states respectively the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress.

17. To exercise exclusive legislation in all cases whatsoever over such district (not exceeding ten miles square) as may, by cession of particular states and the acceptance of Congress, become the seat of the government of the United States, and to exercise like authority over all places purchased by the consent of the legislature of the state in which the same shall be, for the erection of forts, magazines, arsenals, dockyards, and other needful buildings; and

18. To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof.[1]

### *Section IX. Powers Denied to the United States.*

1. The migration or importation of such persons as any of the states now existing shall think proper to admit shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight, but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.

2. The privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.

3. No bill of attainder or ex post facto law shall be passed.

[1] This is the "Elastic Clause."

4. No capitation or other direct tax shall be laid, unless in proportion to the census or enumeration hereinbefore directed to be taken.

5. No tax or duty shall be laid on articles exported from any state.

6. No preference shall be given by any regulation of commerce or revenue to the ports of one state over those of another; nor shall vessels bound to or from one state be obliged to enter, clear, or pay duties in another.

7. No money shall be drawn from the Treasury but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

8. No title of nobility shall be granted by the United States; and no person holding any office of profit or trust under them shall, without the consent of the Congress, accept of any present, emolument, office, or title, of any kind whatever, from any king, prince or foreign state.

### *Section X. Powers Denied to the States.*

1. No state shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make anything but gold and silver coin a tender in payment of debts; pass any bill of attainder, ex post facto law, or law impairing the obligation of contracts, or grant any title of nobility.

2. No state shall, without the consent of Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the net produce of all duties and imposts, laid by any state on imports or exports, shall be for the use of the Treasury of the United States; and all such laws shall be subject to the revision and control of the Congress.

3. No state shall, without the consent of Congress, lay any duty of tonnage, keep troops or ships of war in time of peace, enter into any agreement or compact with another state or with a foreign power, or engage in war, unless actually invaded or in such imminent danger as will not admit of delay.

## Article II. Executive Department

### *Section I. President and Vice-President.*

1. The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and together with the Vice-President, chosen for the same term, be elected as follows:

2. Each state shall appoint, in such manner as the legislature thereof may direct, a number of electors, equal to the whole number of senators and representatives to which the state may be entitled in the Congress; but no senator or representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

3. The electors shall meet in their respective states and vote by ballot for two persons, of whom one at least shall not be an inhabitant of the same state with themselves. And they shall make a list of all the persons voted for, and of the number of votes for each; which list they shall sign and certify, and transmit sealed to the seat of government of the United States, directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be the President, if such number be a majority of the whole number of electors appointed; and if there be more than one who have such majority, and have an equal number of votes, then the House of Representatives shall immediately choose by ballot one of them for President; and if no person have a majority, then from the five highest on the list the said house shall in like manner choose the President. But in choosing the President the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. In every case, after the choice of the President, the person having the greatest number of votes of the electors shall be the Vice-President. But if there should remain two or more

who have equal votes, the senate shall choose from them by ballot the Vice-President. [1]

4. The Congress may determine the time of choosing the electors and the day on which they shall give their votes, which day shall be the same throughout the United States.

5. No person except a natural-born citizen, or a citizen of the United States at the time of the adoption of this Constitution, shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained to the age of thirty-five years, and been fourteen years a resident within the United States.

6. In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice-President, and the Congress may by law provide for the case of removal, death, resignation, or inability, both of the President and Vice-President, declaring what officer shall then act as President, and such officer shall act accordingly until the disability be removed or a President shall be elected.

7. The President shall, at stated times, receive for his services a compensation, which shall neither be increased nor diminished during the period for which he may have been elected, and he shall not receive within that period any other emolument from the United States or any of them.

8. Before he enter on the execution of his office he shall take the following oath or affirmation:

"I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will to the best of my ability preserve, protect, and defend the Constitution of the United States."

### *Section II. Powers of the President.*

1. The President shall be Commander-in-Chief of the Army and Navy of the United States, and of the militia of the several states when called into the actual service of the United States; he may require the opinion, in writing, of the principal officer in

[1] Amended. See Amendments Art. XII.

each of the executive departments, upon any subject relating to the duties of their respective offices, and he shall have power to grant reprieves and pardons for offences against the United States, except in cases of impeachment.

2. He shall have power, by and with the advice and consent of the senate, to make treaties, provided two-thirds of the senators present concur; and he shall nominate, and, by and with the advice and consent of the senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law; but the Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of departments.

3. The President shall have power to fill up all vacancies that may happen during the recess of the senate, by granting commissions which shall expire at the end of their next session.

*Section III. Duties of the President.*

He shall from time to time give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both houses, or either of them, and in case of disagreement between them with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive ambassadors and other public ministers; he shall take care that the laws be faithfully executed, and shall commission all the officers of the United States.

*Section IV. Impeachment.*

The President, Vice-President, and all civil officers of the United States shall be removed from office on impeachment for and conviction of treason, bribery, or other high crimes and misdemeanors.

ARTICLE III. JUDICIAL DEPARTMENT

*Section I. United States Courts.*

The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may

from time to time ordain and establish. The judges, both of the supreme and inferior courts, shall hold their offices during good behavior, and shall, at stated times, receive for their services a compensation which shall not be diminished during their continuance in office.

### *Section II. Jurisdiction of the United States Courts.*

1. The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; to all cases affecting ambassadors, other public ministers, and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more states; between a state and citizens of another state; between citizens of different states; between citizens of the same state claiming lands under grants of different states, and between a state, or the citizens thereof, and foreign states, citizens, or subjects.[1]

2. In all cases affecting ambassadors, other public ministers and consuls, and those in which a state shall be a party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations, as the Congress shall make.

3. The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the state where the said crimes shall have been committed; but when not committed within any state, the trial shall be at such place or places as the Congress may by law have directed.

### *Section III. Treason.*

1. Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

[1] This clause has been amended. See Amendments, Art. XI.

2. The Congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood or forfeiture except during the life of the person attainted.

## Article IV. The States and the Federal Government

### *Section I. State Records.*

Full faith and credit shall be given in each state to the public acts, records, and judicial proceedings of every other state. And the Congress may by general laws prescribe the manner in which such acts, records, and proceedings shall be proved, and the effect thereof.

### *Section II. Privileges of Citizens, etc.*

1. The citizens of each state shall be entitled to all privileges and immunities of citizens in the several states.

2. A person charged in any state with treason, felony, or other crime, who shall flee from justice, and be found in another state, shall, on demand of the executive authority of the state from which he fled, be delivered up, to be removed to the state having jurisdiction of the crime.

3. No person held to service or labor in one state, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.[1]

### *Section III. New States and Territories.*

1. New states may be admitted by the Congress into this Union; but no new state shall be formed or erected within the jurisdiction of any other state; nor any state be formed by the junction of two or more states or parts of states, without the consent of the legislatures of the states concerned as well as of the Congress.

2. The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States or of any particular State.

[1] Annulled by the abolition of slavery.

### *Section IV. Guarantee to the States.*

The United States shall guarantee to every state in this Union a republican form of government, and shall protect each of them against invasion, and on application of the legislature, or of the executive (when the legislature cannot be convened), against domestic violence.

### Article V. Power of Amendment

The Congress, whenever two-thirds of both houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the legislatures of two-thirds of the several states, shall call a convention for proposing amendments, which in either case shall be valid to all intents and purposes as part of this Constitution, when ratified by the legislatures of three-fourths of the several states, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress, provided that no amendments which may be made prior to the year one thousand eight hundred and eight shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no state, without its consent, shall be deprived of its equal suffrage in the senate.

### Article VI. Public Debt, Supremacy of the Constitution, Oath of Office, Religious Test

1. All debts contracted and engagements entered into, before the adoption of this Constitution, shall be as valid against the United States under this Constitution as under the Confederation.

2. This Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, anything in the Constitution or laws of any state to the contrary notwithstanding.

3. The senators and representatives before mentioned, and the members of the several state legislatures, and all executive

and judicial officers both of the United States and of the several states, shall be bound by oath or affirmation to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

### Article VII. Ratification of the Constitution

The ratification of the conventions of nine states shall be sufficient for the establishment of this Constitution between the states so ratifying the same.

Done in convention by the unanimous consent of the states present,[1] the seventeenth day of September, in the year of our Lord one thousand seven hundred and eighty-seven, and of the Independence of the United States of America the twelfth. In witness whereof, we have hereunto subscribed our names.

George Washington, President, and Deputy from Virginia.

New Hampshire — John Langdon, Nicholas Gilman.

Massachusetts — Nathaniel Gorham, Rufus King.

Connecticut — William Samuel Johnson, Roger Sherman.

New York — Alexander Hamilton.

New Jersey — William Livingston, David Brearly, William Patterson, Jonathan Dayton.

Pennsylvania — Benjamin Franklin, Thomas Mifflin, Robert Morris, George Clymer, Thomas Fitzsimons, Jared Ingersoll, James Wilson, Gouverneur Morris.

Delaware — George Read, Gunning Bedford, Jr., John Dickinson, Richard Bassett, Jacob Broom.

Maryland — James McHenry, Daniel of St. Thomas Jenifer, Daniel Carroll.

Virginia — John Blair, James Madison, Jr.

North Carolina — William Blount, Richard Dobbs Spaight Hugh Williamson.

South Carolina — John Rutledge, Charles Cotesworth Pinckney, Charles Pinckney, Pierce Butler.

Georgia — William Few, Abraham Baldwin.

Attest: William Jackson, *Secretary.*

[1] Rhode Island sent no delegates to the Federal Convention.

## AMENDMENTS[1]

### ARTICLE I.

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

### ARTICLE II.

A well-regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed.

### ARTICLE III.

No soldier shall, in time of peace, be quartered in any house without the consent of the owner, nor in time of war but in a manner to be prescribed by law.

### ARTICLE IV.

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

### ARTICLE V.

No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation.

[1] The first ten Amendments were proposed in the First Congress and declared in force Dec. 15, 1791.

### Article VI.

In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defence.

### Article VII.

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise reëxamined in any court of the United States, than according to the rules of the common law.

### Article VIII.

Excessive bail shall not be required, nor excessive fines imposed nor cruel and unusual punishments inflicted.

### Article IX.

The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people.

### Article X.

The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively or to the people.

### Article XI.[1]

The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another state, or by citizens or subjects of any foreign state.

[1] Proposed by Congress March 5, 1794, and declared in force Jan. 8, 1798.

## ARTICLE XII.[1]

1. The electors shall meet in their respective states and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same state with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President, and they shall make distinct lists of all persons voted for as President and of all persons voted for as Vice-President, and of the number of votes for each; which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted. The person having the greatest number of votes for President shall be the President, if such number be a majority of the whole number of electors appointed; and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President.

2. The person having the greatest number of votes as Vice-President shall be the Vice-President, if such number be a majority of the whole number of electors appointed; and if no person have a majority, then from the two highest numbers on the list the senate shall choose the Vice-President; a quorum for the purpose shall consist of two-thirds of the whole number of senators, and a majority of the whole number shall be necessary to a choice.

[1] Proposed by Congress Dec. 12, 1803, and declared in force Sept. 25, 1804.

3. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.

### Article XIII.[1]

1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States or any place subject to their jurisdiction.

2. Congress shall have power to enforce this article by appropriate legislation.

### Article XIV.[2]

1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

2. Representatives shall be apportioned among the several states according to their respective numbers, counting the whole number of persons in each state, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, representatives in Congress, the executive and judicial officers of a state, or the members of the legislature thereof, is denied to any of the male inhabitants of such state, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such state.

3. No person shall be a senator or representative in Congress, or elector of President and Vice-President, or hold any office, civil

[1] Proposed by Congress Feb. 1, 1865, and declared in force Dec. 18, 1865.

[2] Proposed by Congress June 16, 1866, and declared in force July 28, 1868.

or military, under the United States or under any state, who, having previously taken an oath as a member of Congress, or as an officer of the United States, or as a member of any state legislature, or as an executive or judicial officer of any state, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may, by a vote of two-thirds of each house, remove such disability.

4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any state shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations, and claims shall be held illegal and void.

5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

## ARTICLE XV.[1]

1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of race, color, or previous conditions of servitude.

2. The Congress shall have power to enforce this article by appropriate legislation.

## ARTICLE XVI.[2]

The Congress shall have power to lay and collect taxes on incomes from whatever source derived, without apportionment among the several states and without regard to any census or enumeration.

[1] Proposed, 1869; declared in force, 1870.

[2] Proposed, 1912; declared in force, 1913.

## Article XVII.[1]

1. The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for six years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.

2. When vacancies happen in the representation of any State in the Senate, the executive authority of such State shall issue writs of election to fill such vacancies: Provided, that the Legislature of any State may empower the executive thereof to make temporary appointment until the people fill the vacancies by election as the Legislature may direct.

3. This amendment shall not be so construed as to affect the election or term of any Senator chosen before it becomes valid as part of the Constitution.

## Article XVIII.[2]

1. After one year from the ratification of this article the manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited.

2. The Congress and the several States shall have concurrent power to enforce this article by appropriate legislation.

3. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the Legislatures of the several States, as provided in the Constitution within seven years from the date of the submission hereof to the States by the Congress.

[1] Proposed, 1912; declared in force, 1913.

[2] Proposed, 1917; declared in force, January, 1920.

## THE THIRTEEN ORIGINAL STATES.

| | STATES. | Ratified the Constitution. | | STATES. | Ratified the Constitution |
|---|---|---|---|---|---|
| 1 | Delaware | 1787, December 7 | 8 | South Carolina | 1788, May 23 |
| 2 | Pennsylvania | 1787, December 12 | 9 | New Hampshire | 1788, June 21 |
| 3 | New Jersey | 1787, December 18 | 10 | Virginia | 1788, June 26 |
| 4 | Georgia | 1788, January 2 | 11 | New York | 1788, July 26 |
| 5 | Connecticut | 1788, January 9 | 12 | North Carolina | 1789, November 21 |
| 6 | Massachusetts | 1788, February 6 | 13 | Rhode Island | 1790, May 29 |
| 7 | Maryland | 1788, April 28 | | | |

## STATES ADMITTED TO THE UNION.

| | STATES. | Admitted* | | STATES. | Admitted* |
|---|---|---|---|---|---|
| 1 | Vermont | 1791, March 4 | 19 | Minnesota | 1858, May 11 |
| 2 | Kentucky | 1792, June 1 | 20 | Oregon | 1859, February 14 |
| 3 | Tennessee | 1796, June 1 | 21 | Kansas | 1861, January 29 |
| 4 | Ohio | 1803, February 19 | 22 | West Virginia | 1863, June 19 |
| 5 | Louisiana | 1812, April 30 | 23 | Nevada | 1864, October 31 |
| 6 | Indiana | 1816, December 11 | 24 | Nebraska | 1867, March 1 |
| 7 | Mississippi | 1817, December 10 | 25 | Colorado | 1876, August 1 |
| 8 | Illinois | 1818, December 3 | 26 | North Dakota | 1889, November 2 |
| 9 | Alabama | 1819, December 14 | 27 | South Dakota | 1889, November 2 |
| 10 | Maine | 1820, March 15 | 28 | Montana | 1889, November 8 |
| 11 | Missouri | 1821, August 10 | 29 | Washington | 1889, November 11 |
| 12 | Arkansas | 1836, June 15 | 30 | Idaho | 1890, July 3 |
| 13 | Michigan | 1837, January 26 | 31 | Wyoming | 1890, July 11 |
| 14 | Florida | 1845, March 3 | 32 | Utah | 1896, January 4 |
| 15 | Texas | 1845, December 29 | 33 | Oklahoma | 1907, November 16 |
| 16 | Iowa | 1846, December 28 | 34 | New Mexico | 1912, January 6 |
| 17 | Wisconsin | 1848, May 29 | 35 | Arizona | 1912, February 14 |
| 18 | California | 1850, September 9 | | | |

# The Territories.

| TERRITORIES. | Organized. | TERRITORIES. | Organized. |
|---|---|---|---|
| Alaska | July 27, 1868 | Hawaii | April 30, 1900 |

*Date when admission took effect is given from U. S. Census Reports. In many instances the act of admission by Congress was passed on a previous date.

NEW POSSESSIONS.—A government for Porto Rico was established by the Fifty-sixth Congress. The Philippines are under a provisional civil government, Guam and Tutuila under Governors, and the Isthmian Canal Zone under a Commission, all appointed by the President. Porto Rico is represented in the Congress of the United States by a Commissioner, and the Philippines by two Commissioners elected respectively by the people thereof.

# The Electoral Vote.

The following is the electoral vote of the States for 1916 as based upon the Reapportionment act of 1911:

| STATES. | Electoral Vote | STATES. | Electoral Vote | STATES. | Electoral Vote |
|---|---|---|---|---|---|
| Alabama | 12 | Maryland | 8 | Oregon | 5 |
| Arizona | 3 | Massachusetts | 18 | Pennsylvania | 38 |
| Arkansas | 9 | Michigan | 15 | Rhode Island | 5 |
| California | 13 | Minnesota | 12 | South Carolina | 9 |
| Colorado | 6 | Mississippi | 10 | South Dakota | 5 |
| Connecticut | 7 | Missouri | 18 | Tennessee | 12 |
| Delaware | 3 | Montana | 4 | Texas | 20 |
| Florida | 6 | Nebraska | 8 | Utah | 4 |
| Georgia | 14 | Nevada | 3 | Vermont | 4 |
| Idaho | 4 | New Hampshire | 4 | Virginia | 12 |
| Illinois | 29 | New Jersey | 14 | Washington | 7 |
| Indiana | 15 | New Mexico | 3 | West Virginia | 8 |
| Iowa | 13 | New York | 45 | Wisconsin | 13 |
| Kansas | 10 | North Carolina | 12 | Wyoming | 3 |
| Kentucky | 13 | North Dakota | 5 | Total | 531 |
| Louisiana | 10 | Ohio | 24 | | |
| Maine | 6 | Oklahoma | 10 | | |

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